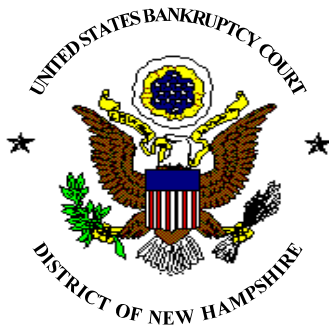


**LOCAL RULES  
OF THE  
UNITED STATES BANKRUPTCY COURT  
FOR THE  
DISTRICT OF NEW HAMPSHIRE**



July 1, 1997

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE**

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**GENERAL ORDER RE LOCAL BANKRUPTCY RULES**

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WHEREAS, as authorized by 28 U.S.C. §§ 2071 and 2077, Rule 9029 of the Federal Rules of Bankruptcy Procedure, Rule 83 of the Federal Rules of Civil Procedure, and Rule 77.4 of the Local Rules of the United States District Court for the District of New Hampshire, the Court has reviewed and revised its Local Bankruptcy Rules and Administrative Orders; and

WHEREAS, in compliance with 28 U.S.C. § 2077(b), the Court has appointed an advisory committee for the study of the rules of practice and internal operating procedures of the Court, and has received recommendations from the advisory committee on such rules and procedures; and

WHEREAS, in compliance with 28 U.S.C. § 2071(b), the Court has given the public appropriate notice and an opportunity for comment upon the proposed revisions to the Local Bankruptcy Rules; it is hereby

ORDERED this 1st day of April, 1997, that the annexed "Local Rules of the United States Bankruptcy Court for the District of New Hampshire," as amended, are hereby prescribed and promulgated and shall take effect on July 1, 1997 and shall apply to all bankruptcy cases and proceedings then or thereafter pending in this Court, insofar as just and practicable; and it is further

ORDERED that all prior local bankruptcy rules and administrative orders are repealed, except any administrative orders that relate only to a specific case, upon the effective date of these Local Bankruptcy Rules; and it is further

ORDERED that the Clerk in compliance with 28 U.S.C. § 2071(d) shall cause a copy of these Local Bankruptcy Rules to be delivered to the Judicial Council of the Court of Appeals for the First Circuit and to the Director of the Administrative Office of the United States Courts; the Clerk shall post a copy of this Order in the Clerk's office; and the Clerk shall forthwith cause a notice regarding the adoption of these amended Local Bankruptcy Rules to be published in the New Hampshire Bar News indicating copies of the same are available upon request.

DATED AND FILED this 1st day of April, 1997.

BY THE COURT:

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James E. Yacos  
Chief Judge

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Mark W. Vaughn  
Bankruptcy Judge

**LOCAL RULES  
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## **PREFACE**

These Local Bankruptcy Rules shall be cited as “LBR.” The Local Rules of the United States District Court for the District of New Hampshire shall be cited as “LR.” The Bankruptcy Rules promulgated by the Supreme Court of the United States shall be cited as “Bankruptcy Rule.” Title 11 of the United States Code shall be cited as “Bankruptcy Code.” The Administrative Orders promulgated by the United States Bankruptcy Court for the District of New Hampshire shall be cited as “AO.” The Local Bankruptcy Forms promulgated by the United States Bankruptcy for the District of New Hampshire shall be cited as “LBF.”

**Part I**

**Commencement of Case;  
Proceedings Relating to Petition  
and  
Order for Relief**

**PETITION — GENERAL**

Any petition commencing a new case shall conform substantially to Official Bankruptcy Form 1, and shall be completed legibly in all respects. All information requested or provided for in Official Bankruptcy Form 1 or by Bankruptcy Rule 1005 shall be completed by the petitioner. All petitions must be filed on 8½" x 11" paper and will be accepted for filing if the information requested in Official Bankruptcy Form 1 and Bankruptcy Rule 1005 and the following are included:

- (a) filing fee;
- (b) chapter number under which the petition is filed;
- (c) social security number and tax identification number, if applicable;
- (d) the creditor matrix (whether filed with or without schedules);
- (e) in Chapter 11 cases, in addition to the list required by Bankruptcy Rule 1007(d), a list of the twenty (20) largest unsecured creditors (excluding insiders) prepared in the same format as the creditor matrix;
- (f) petitioner's signature on original;
- (g) requisite number of copies of petition, schedules, statement of financial affairs and creditor matrix; and
- (h) original and all copies in all cases shall include the attorney's disclosure of compensation form.

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*Cross-References:*

- [\*28 U.S.C. § 1930 \(Bankruptcy Fees\)\*](#)
- [\*LBR 1006-1 \(Fees — Installment Payments\)\*](#)
- [\*LBR 1007-2 \(Mailing — List or Matrix\)\*](#)
- [\*LBR 2016-1 \(Compensation of Professionals\)\*](#)
- [\*LBR 5005-2 \(Filing Papers — Number of Copies\)\*](#)
- [\*LBR 5080-1 \(Fees — General\)\*](#)
- [\*LBR 5081-1 \(Fees — Form of Payment\)\*](#)



**PETITION — PARTNERSHIP**

(a) *Separate Entity Requirement.* The clerk shall not accept for filing a single petition in bankruptcy referring to both a partnership and the individual partner or partners. If separate filings are intended by an individual partner or partners as well as the partnership, separate petitions are required by each entity.

(b) *Necessity of Retaining Counsel.* The clerk shall not accept for filing a voluntary petition to commence a case if the debtor is a partnership unless the debtor is represented by an attorney who has signed the petition. The clerk shall not accept for filing an involuntary petition to commence a case if a petitioner is a partnership unless the petitioner is represented by an attorney who has signed the petition.

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*Cross-References:*

- [\*LR 83.6 \(Appearances\)\*](#)
- [\*LBR 1007-1 \(Lists, Schedules and Statements\)\*](#)
- [\*LBR 1004-2 \(Petition — Corporation\)\*](#)
- [\*LBR 1004-3 \(Petition — Trust, Limited Liability Company\)\*](#)

**PETITION — CORPORATION**

(a) *Separate Entity Requirement.* The clerk shall not accept for filing any petition in bankruptcy by an individual doing business as a corporation. A separate petition must be filed by each entity.

(b) *Necessity of Retaining Counsel.* The clerk shall not accept for filing a voluntary petition to commence a case if the debtor is a corporation unless the debtor is represented by an attorney who has signed the petition. The clerk will not accept for filing an involuntary petition to commence a case if a petitioner is a corporation unless the petitioner is represented by an attorney who has signed the petition.

(c) *Corporate Resolution.* The clerk shall not accept for filing a voluntary petition to commence a case if the debtor is a corporation unless the petition is accompanied by a corporate resolution or certificate of corporate vote that authorizes the filing of the bankruptcy petition.

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*Cross-References:*

- *LR 83.6 (Appearances)*
- *[LBR 1004-1 \(Petition — Partnership\)](#)*
- *[LBR 1004-3 \(Petition — Trust, Limited Liability Company\)](#)*
- *[LBR 1007-1 \(Lists, Schedules and Statements\)](#)*

**PETITION — TRUST, LIMITED LIABILITY COMPANY**

(a) *Separate Entity Requirement.* The clerk shall not accept for filing a single petition in bankruptcy referring to both a trust and the individual trustee or referring to both a limited liability company and its principal. If separate filings are intended by an individual trustee as well as the trust or by a limited liability company as well as its principal, separate petitions are required by each entity.

(b) *Necessity of Retaining Counsel.* The clerk shall not accept for filing a voluntary petition to commence a case if the debtor is a trust or limited liability company unless the debtor is represented by an attorney who has signed the petition. The clerk shall not accept for filing an involuntary petition to commence a case if a petitioner is a trust or limited liability company unless the petitioner is represented by an attorney who has signed the petition.

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*Cross-References:*

- *LR 83.6 (Appearances)*
- *LBR 1007-1 (Lists, Schedules and Statements)*
- *LBR 1004-1 (Petition — Partnership)*
- *LBR 1004-2 (Petition — Corporation)*

**FEES — INSTALLMENT PAYMENTS**

No debtor seeking approval for payment of the bankruptcy filing fee in installments shall pay less than one-fourth (1/4) of the total fee required with the filing of the petition. The balance of the total fee shall be paid in no more than three (3) equal amounts payable every thirty (30) days thereafter until paid in full.

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*Cross-References:*

- *LBR 5080-1 (Fees — General)*
- *LBR 5081-1 (Fees — Form of Payment)*

**LISTS, SCHEDULES AND STATEMENTS**

(a) *Form.* All schedules and statements shall conform substantially to the Official Forms included in the Bankruptcy Rules and shall be completed legibly in all respects. If the appropriate entry is “none,” then that should be indicated. In each of Schedules D, E, F and H, all creditors shall be listed in alphabetical order by name, with complete address including the ZIP code, except that secured creditors on Schedule D may be grouped according to the collateral involved if multiple liens on particular assets are involved.

(b) *Filing of Schedules and Statements.* The original and required copies must be collated with a colored backing, pre-punched with two holes at the top, and stapled with statements and schedules in the following sequence from top to bottom:

- (1) Petition;
- (2) Statement of Affairs;
- (3) Schedules A through J;
- (4) Declaration Concerning Debtor’s Schedules;
- (5) Attorney’s Disclosure Pursuant to Bankruptcy Rule 2016(b);
- (6) (If appropriate) Chapter 7 Individual Debtor’s Statement of Intention; and
- (7) Summary of Schedules.

(c) *Filing Copy of Debtor’s Organization Documents.* Whenever a debtor is organized as a trust or as a limited liability company, the debtor shall file with its bankruptcy schedules a copy of its organizational documents together with all amendments, with a copy served upon any trustee and counsel to any official committee in the case.

(d) *Filing of Leases.* Whenever a lease of nonresidential real property constitutes an interest of a bankruptcy estate, the debtor shall file, along with the statement of executory contracts, a separate statement that such a lease exists, the name and address of the lessor, and a copy of the lease instrument, with a copy served upon any trustee and counsel to any official committee in the case.

(e) *Filing of List of Inventories and Equipment.* Whenever inventory or business equipment is scheduled in a Chapter 7 case, the debtor shall comply with the requirements of LBR 4002-1(c) and (d).

(f) *Failure to Timely File Schedules.* If the debtor fails to file all schedules and statements required by Bankruptcy Rule 1007 and no extension of time has been requested or granted, then the Court shall issue an order to show cause why the case should not be dismissed for failure to timely file the required schedules and statements.

(g) *Motions to Extend Time to File Schedules.* The following procedures shall govern the filing of motions to extend the time to file schedules and statements:

- (1) *Ex Parte by Clerk.* The clerk shall have authority to grant an *ex parte* motion for an extension of time for filing the schedules and statements required in Chapter 7 and Chapter 11 cases to a date not less than five (5) days prior to the first date scheduled for the section 341 meeting. In a Chapter 11 case, such extension may be given to a date not less than five (5) days prior to the earlier of the first date scheduled for the section 341 meeting or for a final hearing on the use of cash collateral. Any further extensions shall be granted only by the Court upon motion, a copy of which is served by the debtor upon the United States Trustee, any trustee, and all members of any official committee appointed by the United States Trustee.
- (2) *Timeliness.* A motion for extension of time shall be filed before the expiration of the period originally prescribed by the Bankruptcy Rules or as extended by a previous order.
- (3) *Content of Motion.* All motions for extension of time shall state: (1) the new date requested; (2) whether previous applications for extension of time on the matter have been requested, including the number and length of previous extensions; and (3) whether the opposing party or parties in interest agree or object to the requested extension.
- (4) *Proposed Order.* A proposed order shall accompany the motion.

(h) *Extension Granted for Filing Schedules.* If the debtor is granted an extension of the time for the filing of schedules and statements, and the time for filing occurs after the first date scheduled for the section 341 meeting of creditors, then the debtor shall appear at said meeting on the scheduled date and obtain the agreement of the United States Trustee or the case trustee for a continued meeting to a date after the required papers are to be filed.

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*Cross-References:*

- [\*LBR 1002-1 \(Petition — General\)\*](#)
- [\*LBR 4002-1 \(Debtor — Duties\)\*](#)
- [\*LBR 5005-2 \(Filing Papers — Number of Copies\)\*](#)

**MAILING — LIST OR MATRIX**

(a) *List and Verification.* The debtor or the debtor's attorney shall prepare and submit, at the time the petition is filed, a master address list in the matrix form specified herein which contains the names, addresses, and ZIP codes of all creditors and parties in interest in alphabetical order, accompanied by a statement that the list has been verified by the debtor and is complete upon submission.

(b) *Computer Copy.* The list and verification required by paragraph (a) shall be submitted both on paper and on computer diskette or by other electronic means whenever possible, but in any event, shall always be so submitted when the number of creditors exceeds 100.

(c) *Format.* The creditor matrix shall be formatted as follows:

- (1) Lists should be typed in a single column on plain 8½" x 11" white paper with no stray marks, page numbers or debtor names.
- (2) Letters should be in legible font and no closer than one inch from any edge of the paper.
- (3) Each name/address must consist of no more than five (5) total lines, with at least one blank line between each of the name/address blocks.
- (4) Each line must be no more than forty (40) characters in length.
- (5) Do not include the following parties on the matrix, as they will be retrieved automatically by the computer for noticing: debtor, joint debtor, debtor's attorney, and United States Trustee.
- (6) Do not include account numbers on the matrix.
- (7) Name and address lines should contain upper and lower case letters.
- (8) Attention lines must be on line two of the address.
- (9) ZIP codes should appear normally at the end of the last line.
- (10) An example of the approved creditor matrix format is set forth in AO 1007-2.

**AMENDMENTS TO LISTS AND SCHEDULES**

(a) *Generally.* No petition may be amended to add an additional entity as a debtor after the petition has been filed with the clerk. Each debt newly listed by an amendment to the schedules of liabilities must also state when such debt was incurred. Any amendments to the debtor's schedules must be served on all affected creditors, any trustee, and counsel to any creditors' committee, by the debtor or the debtor's attorney at the same time as they are filed with the clerk, and shall comply further with this rule regarding form and notice.

(b) *Notice.* In addition to the notice of an amendment required by Bankruptcy Rule 1009 to be given by the debtor, the debtor shall also deliver or mail a copy of the Notice of § 341 Meeting of Creditors, as issued in the case, to all creditors newly added by an amendment to the schedules of liabilities. If the clerk has already issued such notice, then the debtor shall also mail a copy of a form notice of amended deadlines for claims filing and discharge objections such as to provide a bar date equivalent to that granted by the original section 341 notice.

(c) *Procedure.* No amendment shall be accepted for filing by the clerk unless it is signed by the debtor and there is attached thereto:

- (1) a certificate of mailing by the debtor or the debtor's attorney that notice has been given as required by Bankruptcy Rule 1009 and paragraph (b) of this rule;
- (2) a supplement to the mailing matrix that shall include the names and the addresses of the creditors added, or whose names and addresses have been changed by the amendment, which supplement shall conform with the requirements of LBR 1007-2; and
- (3) the required filing fee.

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*Cross-References:*

- 28 U.S.C. § 1930 (*Bankruptcy Fees*)
- [LBR 1007-2 \(Mailing — List or Matrix\)](#)
- [LBR 5080-1 \(Fees — General\)](#)
- [LBR 5081-1 \(Fees — Form of Payment\)](#)



**JOINT ADMINISTRATION/CONSOLIDATION**

(a) *Related Cases.* Whenever related cases are filed, but not consolidated or jointly administered by order of the Court, any pleading or other paper intended to be filed in both cases must be filed in each case as a separate original document. Failure to comply with this rule will result in the pleading being denied without prejudice.

(b) *Jointly Administered or Consolidated Cases.* Whenever, upon motion of a debtor or other party in interest, the Court orders that related cases be jointly administered or consolidated pursuant to Bankruptcy Rule 1015, the clerk shall, subsequent to the entry of such order, file further papers in the chief case with which a related case or cases have been consolidated or in which joint administration has been directed, and only the docket for that case shall be maintained.

(c) *Proofs of Claim.* Notwithstanding the provisions in paragraph (b) above, proofs of claim in jointly administered cases shall be filed in the cases to which they pertain.

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*Cross-Reference:*

- [\*LBR 9004-2 \(Caption — Papers, General\)\*](#)

**DISMISSAL OR SUSPENSION — CASE OR PROCEEDINGS**

(a) *By Court.* The Court may at any time issue an order to show cause why a case, adversary proceeding, or motion should not be dismissed for lack of prosecution. If good cause is not shown within the time prescribed by the show cause order, then the Court may enter an order of dismissal, with or without prejudice, as the Court may deem appropriate.

(b) *By Motion.* The Court will not act upon any motion by a debtor to dismiss that debtor's case unless the motion filed by the debtor is accompanied by an affidavit in the form of LBF 1017-2 signed by the debtor and, if the debtor is represented by counsel, by debtor's counsel, stating that all court fees and fees owing to the United States Trustee have been paid in full.

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*Cross-Reference:*

- *LBF 1017-2 (Affidavit of Payment of Fees)*

**CONVERSION — PROCEDURE FOLLOWING**

(a) Except with regard to motions for relief from the automatic stay, whenever an order or a notice issues converting a case from another chapter to Chapter 7, the effect of such order or notice shall be to cancel any and all scheduled hearings on pending motions, unless otherwise ordered by the Court. A notice and order shall routinely issue by the clerk to this effect upon conversion to Chapter 7. It shall be the burden of the movant in such matters to act affirmatively to reschedule such hearings, if appropriate, in the Chapter 7 case at a time subsequent to such time as the interim trustee in Chapter 7 has had an opportunity to examine the debtor at a meeting pursuant to section 341 of the Bankruptcy Code. If the motion is not so rescheduled by the movant or the plaintiff within thirty (30) days after conversion, then it will be deemed dismissed without prejudice without further action of the Court.

(b) In the event a motion for relief from the automatic stay is pending as of the time an order or notice issues converting a case from another chapter to Chapter 7, the motion for relief from stay shall be heard at the date and time scheduled by the Court prior to conversion.

**JURISDICTION**

All initiating motions and complaints shall include, at the outset, a statement of the jurisdiction of the Bankruptcy Court pursuant to the applicable provisions of 28 U.S.C. §§ 157 and 1334. The jurisdictional statement shall include an allegation as to whether the matter is a “core” or “noncore” matter pursuant to 28 U.S.C. § 157.

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*Cross-Reference:*

- *LBR 9004-1 (Papers — Requirements of Form)*

## **Part II**

**Officers and Administration; Notices;  
Meetings; Examinations; Elections;  
Attorneys and Accountants**

**NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES**

(a) *Generally.* If notice is required by the Bankruptcy Rules to be served on all creditors and parties in interest, the clerk, upon advance request, shall provide the moving party with a copy of the mailing matrix for the case.

(b) *Parties to Receive Notice.* In all cases, notice shall be sent pursuant to LBR 5075-1 and, in addition, to any other parties as may be required by the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules and the Administrative Orders of this Court.

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*Cross-References:*

- [\*LBR 1007-2 \(Mailing — List or Matrix\)\*](#)
- [\*LBR 5075-1 \(Designation of Parties to Provide Notice\)\*](#)
- [\*AO 2002-1 \(Addresses of the State of New Hampshire and State Agencies\)\*](#)

**NOTICE TO UNITED STATES OR FEDERAL AGENCY**

(a) *Generally.* Bankruptcy Rule 2002 governs notice to the United States of America or a subdivision thereof.

(b) *Adversary Proceedings and Contested Matters.* Bankruptcy Rule 7004 governs service of process upon the United States of America in adversary proceedings and contested matters.

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*Cross-Reference:*

- *AO 2002-2 (Addresses of the United States and Federal Agencies)*

**EMPLOYMENT OF PROFESSIONALS**

(a) *Ex Parte Applications.* On an *ex parte* basis, the Court will normally only authorize retention of attorneys on a general retainer, with a reasonable fee to be fixed by the Court at the conclusion of the services and/or at the final hearing on fees. The actual fee is then fixed after notice and hearing in accordance with the provisions of the Bankruptcy Code.

(b) *Alternative Fee Provisions.* The Court has discretion to authorize retention with alternative provisions for fees, subject to the proviso in section 328 of the Bankruptcy Code where such terms and conditions subsequently prove to be “improvident” as therein defined. If such alternative provisions are requested, a hearing shall be held to establish the need for the alternative method of retention.



**CHAPTER 13 — REPRESENTATION BY ATTORNEYS**

(a) *Duration of Representation.* Subject to the provisions of LBR 2091-1, an attorney who represents a debtor at the time a petition under Chapter 13 is filed or when a case under another chapter of the Bankruptcy Code is converted to Chapter 13, has a continuing duty to represent the debtor in all matters until the occurrence of the earliest of:

- (1) dismissal of the case;
- (2) entry of an order allowing the attorney to withdraw from further representation of the debtor;
- (3) confirmation of the plan; or
- (4) closing of the case.

(b) *Client Communication.* If a debtor's attorney is unable to contact the debtor in connection with any proceeding pending before the Court, the attorney shall file a statement informing the Court of this fact, which shall include the efforts the attorney has made to contact the client. The attorney shall serve a copy of the statement on the client at the last known address.

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*Cross-References:*

- [\*LBR 2016-1 \(Compensation of Professionals\)\*](#)
- [\*LBR 2091-1 \(Attorneys — Withdrawals\)\*](#)

**CHAPTER 13 — TRUSTEE’S FINAL ACCOUNT**

When the case has been dismissed or converted to another chapter, or when the trustee determines that the plan has been completed, the trustee shall within thirty (30) days thereafter file and serve a final report and account with the Court, and send a copy to the debtor or the debtor's attorney, and the United States Trustee, indicating the amounts paid and the percentage paid within each category of claimants. After review and approval of the Chapter 13 trustee's final account by the Court, the Court shall issue a discharge of the debtor upon the debtor's completion of the plan payments and a discharge of the trustee.

**COMPENSATION OF PROFESSIONALS**

(a) *Rule 2016 Statement.* At the same time the bankruptcy petition is filed, the debtor's attorney shall file a statement disclosing compensation paid or promised to the debtor's attorney as required by Bankruptcy Rule 2016.

(b) *Preparation of Application.* It is the responsibility of a trustee or debtor in possession to prepare and file the application for compensation and expenses of a non-attorney professional employed by the trustee or the debtor in possession, after receiving and reviewing the statement or invoice of the professional involved. Applications filed directly by non-attorney professionals shall be denied without prejudice.

(c) *Application Form.* All applications for allowances to attorneys, accountants, and other professionals retained by order of the Court for reasonable services rendered or reimbursement of necessary expenses incurred shall:

- (1) Include Annex 1 — Request for Final Award (see LBF 2016-1A) or Annex 2 — Request for Interim Allowance (see LBF 2016-1B) giving a recap of pertinent data; and
- (2) In addition to the requirements set forth in the Bankruptcy Code and Bankruptcy Rule 2016(a), the application proper shall contain the following other information:
  - (A) the date of the order approving employment or appointment;
  - (B) in concise form, a general narrative statement of the nature of the services provided, including the results obtained, the size of the estate, total amount of compensation sought, and any other matters which will assist the Court in determining the reasonable value of such services; and
  - (C) a time sheet based upon records prepared contemporaneously with the services rendered setting forth:
    - (i) the dates the services were rendered;
    - (ii) a description of services in sufficient detail to enable the Court to find that such services were actual and necessary;
    - (iii) the total billable hours spent rendering such services and the percentage of the total billable hours expended in rendering such services broken down between partners and associates;
    - (iv) the identity of the person or persons rendering such services;
    - (v) the normal billing rate for each of said persons providing services and a total of the amount of time spent by each person;
    - (vi) the total compensation sought by each person providing the services; and
    - (vii) any maximum compensation fixed in the order of appointment.

- (D) In a Chapter 11 case, the debtor in possession (or any Chapter 11 trustee) shall prepare, file and serve a form of notice summarizing all pending applications for compensation to be used in giving notice of any hearing on fee and expense requests before the same may be heard and acted upon. The notice shall be a single notice covering all pending fee applications and shall include a cumulative total of all interim compensation allowances and expense reimbursements in the case prior to the pending applications.

(d) *Expenses.* Certain expenses that will be disallowed or that are subject to restrictions are set forth in AO 2016-1.

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*Cross-References:*

- [\*LBR 1007-1 \(Lists, Schedules and Statements\)\*](#)
- [\*LBR 2014-1 \(Employment of Professionals\)\*](#)
- [\*LBR 2016-2 \(Compensation of Professionals — Chapter 13\)\*](#)
- [\*LBF 2016-1A \(Annex 1 — Request for Final Award\)\*](#)
- [\*LBF 2016-1B \(Annex 2 — Request for Interim Award\)\*](#)

**COMPENSATION OF PROFESSIONALS — CHAPTER 13**

(a) *Prepetition Retainers.* The amount of any retainer received by counsel shall be included in the attorney compensation statement, which is filed with the petition at the commencement of the case. The Rule 2016 statement shall provide for the scope of the services to be rendered.

(b) *Disclosure.* The disclosure and application requirements of debtor's counsel regarding fees in a consumer case or a business case are set forth in AO 2016-2.

(c) *Application for Additional Attorneys' Fees.* Any attorney who proposes to charge a consumer debtor or a business debtor more than the amount which would excuse further disclosure, pursuant to AO 2016-2, shall file an application for compensation in accordance with Bankruptcy Rule 2016.

(1) *Requirements.* The application must contain:

- (A) a detailed description of the work performed;
- (B) the date the work was performed;
- (C) the time expended (identified in tenths of an hour); and
- (D) the hourly rate charged.

(2) *Notice.* Debtor's counsel shall serve a copy of the application on all parties requesting service, the Chapter 13 trustee, and the United States Trustee. Debtor's counsel shall serve all creditors with a one page notice of hearing summarizing in detail the fees and expenses requested. Upon request from a creditor, debtor's counsel will also serve a complete copy of the application.

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*Cross-Reference:*

- [\*LBR 2016-1 \(Compensation of Professionals\)\*](#)

**ESTATE ADMINISTRATION**

Without application or notice to the Court, a Chapter 7 trustee is authorized to pay routine expenses, other than the fees of professionals employed under section 327 of the Bankruptcy Code, arising out of administration of a Chapter 7 estate that do not exceed in the aggregate the sum of \$1,000.00. All disbursements made in payment of such routine administrative expenses shall be subject to review by the Court at the conclusion of the case and shall be itemized and described in the final report and accounting filed by the trustee.

**CHAPTER 13 — PROOF OF INSURANCE**

Whenever improved real estate is scheduled in a Chapter 13 case, the debtor shall file, at the section 341 meeting, proof of insurance and such other insurance information as the Chapter 13 trustee may require. Whenever a debtor in a Chapter 13 case operates a business, the debtor shall file, at the section 341 meeting, proof of appropriate business insurance.

**CHAPTER 13 — REQUIREMENTS FOR BUSINESS DEBTOR**

If a Chapter 13 debtor is a debtor engaged in business, the debtor shall also file:

(a) Statement of Affairs for Debtor Engaged in Business.

(b) A monthly operating statement substantially in the form of LBF 2083-3. Such operating statement shall be filed with the Chapter 13 trustee on a monthly basis by the debtor engaged in business until the time of confirmation of the Chapter 13 plan. Should the Chapter 13 trustee require further reporting prior to confirmation in any case, the trustee shall file the request in writing prior to confirmation. The Chapter 13 trustee shall file a motion to require monthly reports after confirmation when the trustee believes it is appropriate to do so. The Chapter 13 trustee shall insert language in the proposed confirmation order requiring any additional reporting and this matter shall be taken up at the confirmation hearing.

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*Cross-Reference:*

- [\*LBF 2083-3 \(Monthly Operating Statement\)\*](#)



**ATTORNEYS — ADMISSION TO PRACTICE**

(a) *Admission of Member of the Bar of the District Court.* Any attorney admitted to the Bar of the United States District Court for the District of New Hampshire is admitted to practice before the United States Bankruptcy Court for the District of New Hampshire. The provisions of LR 83.2(a) shall govern the admittance of an attorney appearing for the United States, for an agency of the United States, or for an officer of the United States in an official capacity.

(b) *Admission Pro Hac Vice.* Any attorney not admitted to the Bar of the United States District Court for the District of New Hampshire may appear and practice before the United States Bankruptcy Court in a particular action at the Court's discretion and on motion by a member of the Bar of the United States District Court for the District of New Hampshire who is actively associated with him or her in a particular action. All such motions shall have attached a supporting affidavit meeting the requirements of LR 83.2(b)(1) and containing a statement that: (1) the attorney is familiar with the requirements of LR 83.3 through LR 83.5 regarding disciplinary jurisdiction and rules; and (2) the attorney is familiar with or is associated with local counsel who is familiar with the substantive and the procedural requirements of the local rules and administrative orders of the Bankruptcy Court. However, in accordance with section 304(g) of the Bankruptcy Reform Act of 1994, child support creditors or their representatives shall be permitted to appear and intervene without meeting the requirements of this rule if said creditors or representatives file a form with the Court that contains information detailing the child support debt, its status, and other characteristics.

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*Cross-Reference:*

- *LR 83.2 (Practice by Persons Not Members of the Bar of this Court)*

**ATTORNEYS — WITHDRAWALS**

(a) *Generally.* An attorney may withdraw from a case by serving notice of withdrawal on the client and on all other parties and by filing the notice with the clerk provided that: (1) there are no motions affecting the attorney's client pending before the Court; (2) an adversary pleading involving the client has not been pre-tried; and (3) no trial date on any such adversary proceeding has been set. Unless these conditions are met, an attorney may only withdraw from a case by leave of court after the filing of a motion with the clerk. When an attorney withdraws from a case and no other appearance is entered, the clerk shall notify the party by mail of such withdrawal and that unless the party appears *pro se* or through counsel within the time specified in the clerk's notice, the Court will terminate the case by a dismissal or default judgment. As a condition of withdrawal, the attorney shall notify the clerk, in writing, of the client's last known address.

(b) *Appointed Professionals.* Notwithstanding paragraph (a) of this rule, professionals appointed by court order under section 327 of the Bankruptcy Code may withdraw from representation of an entity as counsel of record only upon order of the Court, after hearing upon due notice.

(c) *Attorney for Debtor.* In addition to the requirements of paragraph (b) of this rule, a debtor's attorney whose fees are subject to review under section 329 of the Bankruptcy Code shall include in the motion for withdrawal a statement of the amount of fees received and shall attach time sheets indicating the total hours of legal services provided.

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*Cross-Reference:*

- [\*LBR 2014-2 \(Chapter 13 — Representation by Attorneys\)\*](#)

**Part III**

**Claims and Distribution to Creditors  
and  
Equity Interest Holders;  
Plans**

**CLAIMS AND EQUITY SECURITY INTERESTS — GENERAL**

(a) *Standard Bar Date.* Upon the filing of a Chapter 11 reorganization petition, the Court will routinely enter an order in the form of LBF 3001-1 establishing a claims bar deadline date for the case 120 days after the filing. The deadline date will be included in the notice of the first meeting of creditors issued by the clerk unless debtor's attorney, at the time of the filing of the Chapter 11 petition, indicates a desire for a claims deadline date earlier or later than the 120-day date.

(b) *Non-Standard Bar Date.* In those instances in which a 120-day claims deadline date is not appropriate, debtor's attorney should submit a motion and proposed order providing for a different date at the time that the Chapter 11 petition is filed. The motion should include a brief statement of the reason for the date suggested and should request *ex parte* consideration.

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*Cross-Reference:*

- [\*LBF 3001-1 \(Order Establishing Deadline for Filing Claims\)\*](#)

**CHAPTER 13 — PLAN**

(a) *Form of Plan.* A Chapter 13 plan shall conform substantially to the form specified in LBF 3015-1A with such alterations as may be appropriate to suit the circumstances.

(b) *Service of Plan.* Concurrently with the filing of the plan, the debtor shall cause a copy of the plan, or a summary thereof, along with the notice of the confirmation hearing (substantially in the form of LBF 3015-1B) to be served by first class mail upon the Chapter 13 trustee, all creditors, and other parties in interest. The debtor shall file with the plan a certificate of service certifying that a copy of the plan has been served by first class mail upon the trustee, all creditors, and parties in interest.

(c) *Plan Payments.* All arrearage payments on priority and secured claims shall be payable through the plan.

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*Cross-Reference:*

- [\*LBF 3015-1A \(Chapter 13 Plan\)\*](#)
- [\*LBF 3015-1B \(Notice of Confirmation Hearing\)\*](#)

**CHAPTER 13 — CONFIRMATION**

(a) *Objection Deadline.* Any objection to confirmation of a Chapter 13 plan shall be filed no later than thirty (30) days before the first date set for the confirmation hearing, or in the event an amended plan is filed, five (5) days before the confirmation hearing. The objection shall be heard at the confirmation hearing.

(b) *Service of Objection.* The objecting party shall file the original objection to confirmation with the Court and serve copies on the United States Trustee, the Chapter 13 trustee, the debtor, the debtor's attorney, and any other party who has requested service of pleadings. The objection shall be accompanied by a certificate of service evidencing compliance with this requirement.

**CHAPTER 13 — MODIFICATION OF PLAN AFTER CONFIRMATION**

(a) *Postconfirmation Modification.* A debtor who seeks to modify a Chapter 13 plan after confirmation shall do so by filing a motion to modify with a copy of the proposed modified plan attached. The motion shall include a statement of the reason for the modification. In conjunction with the motion to modify, the debtor shall file amended schedules of income and expenses. If such amended schedules of income and expenses result in a net change in disposable income, the debtors may be required by the trustee to appear at a reconvened section 341 meeting to testify to the change.

(b) *Service.* Debtors shall serve a copy of the motion, the modified plan and the statement of reason on the Chapter 13 trustee and on all creditors and parties who have requested notice. Each modified plan shall be titled “Amended Plan Dated \_\_\_\_\_.”

(c) *Prohibition.* No modifications to a plan may be made by interlineation, supplements or deletions.

(d) *Hearings.* Hearings on motions to modify plans after confirmation shall be scheduled by the Chapter 13 trustee with the appropriate judge’s calendar clerk and noticed consistently with LBR 3015-1(b).

**CHAPTER 11 — PLAN AND DISCLOSURE STATEMENT**

(a) *Caption of Plans and Disclosure Statements.* Every plan of reorganization and disclosure statement filed in a Chapter 11 case and any amended plan and amended disclosure statement shall include the date of the document and the identity of the plan proponent in the caption. The only change to the caption of an amended plan or an amended disclosure statement shall be the date of such amendment.

(1) Example of original plan caption: “Debtor's Plan Dated \_\_\_\_\_”

(2) Example of amended plan caption: “Debtor's Amended Plan Dated \_\_\_\_\_”

(b) *Red-Lined Copies.* The plan proponent shall file separately with the Court, for the personal use of the judge, a red-lined copy of any amended plan or amended disclosure statement which underlines all changes to such document.

(c) *Non-Attachment.* The plan shall not be attached as an exhibit to the disclosure statement but shall be filed as a separate document.



**DISCLOSURE STATEMENT — APPROVAL**

(a) *Filing.* When a disclosure statement is filed with the Court, whether by court order or otherwise, such disclosure statement must be accompanied by: (1) the plan of reorganization; and (2) a notice setting the hearing date and the deadline for objections to the disclosure statement. Said notice shall be in the form of LBF 3017-1. The objection date shall, in all cases, be five (5) business days prior to the hearing scheduled on the disclosure statement. Disclosure statements filed without compliance with the foregoing requirement shall be subject to sanctions.

(b) *Proposed Order.* Within seven (7) days after a hearing approving the disclosure statement, counsel for the plan proponent shall submit a proposed order which sets forth the following:

- (1) the last day for filing ballots;
- (2) the last day for filing objections to the plan;
- (3) the date scheduled for the confirmation hearing, to be obtained from the calendar clerk prior to submitting the order; and
- (4) a stock paragraph stating the following: “The debtor shall, within three (3) days after mailing the plan and disclosure statement as required by this order, file a certificate of such mailing with this Court accompanied by an attached copy of the plan and disclosure statement as mailed. The debtor shall also submit—for the personal use of the judge—an extra copy of the foregoing certificate and attachments.”
- (5) in the case of an individual debtor, a stock paragraph stating the following: “Complaints objecting to the debtor’s discharge under section 727(a) of the Bankruptcy Code shall be filed not later than \_\_\_\_\_ [the date set for the confirmation hearing].”

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*Cross-Reference:*

- [\*LBR 3016-1 \(Chapter 11 — Plan and Disclosure Statement\)\*](#)
- [\*LBR 7101 \(Motion Procedure\)\*](#)
- [\*LBR 9073-1 \(Hearings\)\*](#)
- [\*LBF 3017-1 \(Notice of Hearing on Adequacy of Amended Disclosure Statement\)\*](#)

**ACCEPTANCE/REJECTION OF PLANS**

When a Chapter 11 plan of reorganization is scheduled for a hearing upon confirmation, the plan proponent, by its attorney of record, shall prepare and present to the Court, at or before the hearing, a “Certificate of Vote” in the form of LBF 3018-2, appropriately modified as required by circumstances.

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*Cross-Reference:*

- [\*LBF 3018-2 \(Certificate of Vote\)\*](#)

## CHAPTER 11 — CONFIRMATION

(a) *Retention of Jurisdiction.* Unless specific grounds for additional retained jurisdiction are shown by the plan proponent at the confirmation hearing, the Court will retain jurisdiction following the confirmation of a plan of reorganization only on the following limited basis:

- (1) to hear and determine objections to claims;
- (2) to hear and determine any dispute arising under the plan, its implementation and execution of any necessary documents thereunder, and any requests to amend, modify, or correct the plan, provided such matters are brought before the Court prior to the point of substantial consummation;
- (3) to grant extensions of any deadlines set forth in the confirming order as may be appropriate;
- (4) to enforce all discharge provisions under the plan; and
- (5) to consider and rule upon requests for final compensation.

(b) *Additional Retained Jurisdiction.* If, at the confirmation hearing, the plan proponent is not in a position to request specific retention of additional jurisdiction, then the Court may conditionally reserve in the confirming order the question of additional retained jurisdiction under a procedure by which the plan proponent at a fixed date following entry of the confirmation order (usually 60 days) will file a motion on notice requesting additional retention of jurisdiction for specific matters which will be embodied in a supplementary order to be entered by the Court.

(c) *Proposed Confirmation Order.* Within seven (7) days after the hearing approving a plan of reorganization, counsel for the plan proponent shall submit a proposed confirmation order which includes the following provisions and is substantially in the form of LBF 3020-1:

- (1) a paragraph that states that all fees due and all quarterly fees payable to the United States Trustee have been paid as of the confirmation date;
- (2) the last day for filing objections to claims;
- (3) the last day for filing applications for attorneys' fees or other professional fees and expenses;
- (4) the deadline for filing the application for final decree.

(d) *Deadline for Final Decree.* When proposing the deadline for filing the application for final decree, consideration must be given to any matters that need to be resolved by the Court (e.g., fee hearings or objections to claims) and the amount of time needed to hear these matters.

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*Cross-References:*

- 11 U.S.C. § 1101(2) (*Definition of Substantial Consummation*)
- 11 U.S.C. § 1127 (*Modification of Plan*)
- 28 U.S.C. § 1930 (*Bankruptcy Fees*)
- [LBF 3020-1 \(Order Confirming Debtor's Plan of Reorganization\)](#)

**FINAL REPORT/DECREE (CHAPTER 11)**

(a) *Filing of Application for Final Decree.* Preparation and prosecution of the application for a final decree closing a Chapter 11 case shall be a continuing post-confirmation duty of the attorney for the plan proponent and said application shall be prepared and filed not later than 120 days following the date of confirmation of the plan of reorganization, unless specifically stated otherwise in the confirming order. The case shall be deemed fully administered at the point of substantial consummation of the plan. Compensation allowed such attorney at the time of confirmation includes compensation for time estimated to be required for performance of those duties. Failure to perform said duties in a timely manner may accordingly result in the entry of an order to refund a portion of the fees so allowed.

(b) *Form of Application for Final Decree.* The application for a final decree closing a Chapter 11 case shall contain, at a minimum, the following representations:

- (1) a statement that the plan of reorganization or liquidation confirmed by the Court has been substantially consummated in accordance with the provisions of the plan, the confirming order, and any orders of the Court subsequent to confirmation;
- (2) a statement that the debtor (or trustee, if applicable) has disbursed to all persons so entitled, all sums allowed by the Court as compensation for services rendered and reimbursement of costs incurred and, in support of said statement, an attached exhibit, designated "Exhibit A," containing the names, addresses and amounts paid to persons to whom allowances were made;
- (3) a statement that the debtor (or trustee, if applicable) has commenced the distribution to creditors of the sums due them under the plan and, in support of said statement, an attached exhibit, designated "Exhibit B," containing the names, addresses and amounts paid to each such creditor;
- (4) a statement of all remaining distributions to be made to creditors following entry of the final decree, the date or dates involved and, in support of said statement, an attached exhibit, designated "Exhibit C," containing the names, addresses and amounts to be paid to each such creditor;
- (5) if applicable, a statement that the debtor (or trustee, if applicable) has not been able to make distribution to creditors, together with a list of such creditors setting forth their names, addresses and the amounts of any dividends owing. Representation must be made that checks were mailed to said creditors but were returned and that the debtor (or trustee, if applicable) has been unable to determine an adequate address despite reasonable attempts to do so; and
- (6) a statement of requested additional provisions by way of injunction or otherwise as may be equitable.

(c) *Statistical Report.* Along with the application for a final decree, the debtor (or trustee) shall file a completed Bankruptcy Closing Report, as required by the Administrative Office of the United States Courts, the form for which report may be obtained from the clerk's office. The figures set forth in this report shall correspond to the figures set forth in the application.

(d) *Proposed Order.* The application for a final decree shall be filed with a proposed form of final decree for the Court's use, which proposed order shall incorporate by reference the representations set forth in the application, to support a determination that the estate has been fully administered and that the case may be closed.

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*Cross Reference:*

- *Bankruptcy Rule 3022 (Final Decree in Chapter 11 Reorganization Case)*

**CHAPTER 13 — PAYMENTS**

Payments to the Chapter 13 trustee pursuant to section 1326(a) of the Bankruptcy Code or pursuant to the terms of a confirmed plan shall be made by bank or teller check, certified check or money order, or as otherwise stated in the confirmation order. Unless the Court orders otherwise, all debtors are required to make their first plan payment within forty-five (45) days from the date of the filing of the case, irrespective of when the section 341 creditors' meeting might be scheduled.

## **Part IV**

### **The Debtor: Duties and Benefits**

**AUTOMATIC STAY — RELIEF FROM**

(a) *Content Required.* Any motion seeking relief from the automatic stay pursuant to section 362(d) of the Bankruptcy Code involving encumbered real or personal property shall include: (1) the claimed value of the property with respect to which relief is requested; (2) the amount of the movant's debt alleged to be secured by such property; (3) evidence of movant's security interest in such property; and (4) the total of all lien claims attaching to such property.

(b) *Relief Limited.* A motion for relief from stay shall include no other requested relief, except that the movant may request adequate protection as alternative relief.

(c) *Denial if Insufficient Data.* Any motion for relief from stay involving encumbered real or personal property that fails to include the items recited in paragraph (a) of this rule may be denied without prejudice by the Court without further consideration.

(d) *Hearing Scheduled.* Upon receipt of a conforming motion for relief from stay, the calendar clerk shall set a hearing date in compliance with the thirty (30) day requirement of section 362(e) of the Bankruptcy Code and shall issue to movant's attorney a form of notice of hearing to be served by certified mail return receipt requested upon the parties specified in LBR 5075-1(a) and specifying therein a deadline for responsive pleadings. Service must be made within five (5) days from receipt of the notice form to be valid unless otherwise ordered by the Court.

(e) *Uncontested Motions.* In the absence of a timely response, the motion shall be treated as uncontested unless the debtor is *pro se*, the section 341 meeting has not yet been held, or the case is a Chapter 11 case. The motion shall be granted and the scheduled hearing shall be canceled without further notice.

(f) *Contested Motions.* Any response filed in opposition to a motion for relief from stay involving encumbered real or personal property shall: (1) identify the interest of the opposing party in the property; (2) state with particularity the grounds for the opposition; and (3) state the claimed value of property specified in the motion and the amount of equity which exists in the property after deduction of all encumbrances. Additionally, if a motion for relief from stay is contested, the movant shall provide the respondent with a copy of the movant's appraisal of the property at the preliminary hearing, if possible, otherwise, within five (5) days of the final hearing on the movant's motion for relief.

(g) *Settlement Agreements.* Any settlement agreement regarding a motion for relief from stay shall comply with the mandatory notice and service requirements of Bankruptcy Rule 4001(d) and LBR 9019-1.

(h) *Discovery.* The Court shall permit the following expedited discovery for both the movant and the debtor.

(1) *Discovery by Movant.* Movant shall be permitted to serve interrogatories and requests for admissions set forth in LBF 4001-1A upon the debtor, to which debtor shall respond within fifteen (15) days of receipt. Movant shall be limited to the interrogatories and request for admissions set forth in LBF 4001-1A. Any additional discovery sought under the expedited time period shall only be allowed by leave of the Court.

(2) *Discovery by Debtor.* Debtor shall be permitted to serve interrogatories set forth in LBF 4001-1B upon the movant to which movant shall respond within ten (10) days of receipt but not later than three (3) days prior to hearing. Debtor shall be limited to the interrogatories set forth in LBF 4001-1B. Any additional discovery sought under the expedited time period shall only be allowed by leave of the Court.



- (3) *Exhibits.* Movant and debtor shall provide to each other copies of any and all available exhibits to be introduced at hearing. All exhibits shall be delivered to the opposing party within five (5) days prior to time of hearing. If any exhibits are not available five (5) days prior to hearing, they shall be described in a brief statement as to their form and content, such statement to be delivered to opposing counsel together with an explanation of the reasons why the exhibits are not available.
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*Cross-References:*

- *LBR 5075-1 (Designation of Parties to Receive Notice)*
- *LBR 9019-1 (Settlements and Agreed Orders)*
- *LBF 4001-1A (Discovery by Movant)*
- *LBF 4001-1B (Discovery by Debtor)*

**CASH COLLATERAL**

(a) *Emergency Motion Requirements.* If a debtor files an emergency *ex parte* application for an order allowing the interim use of cash collateral, the debtor shall present the following information by affidavit: (1) the names and addresses of all creditors holding a secured interest in the cash collateral, and their attorneys if known; (2) the efforts made to contact such secured creditors or their attorneys and any appointed committee or, if no committee has been appointed, the twenty (20) largest unsecured creditors with regard to the application to use cash collateral; (3) the nature of the emergency requiring an *ex parte* order; (4) the total dollar amount requested to be authorized; and (5) a description of the adequate protection which will be provided to such secured creditors.

(b) *Non-Emergency Motion Requirements.* Except for emergency situations covered by paragraph (a) of this rule, motions for use of cash collateral, and any settlement agreements pertaining to the same, shall be heard before the Court only after compliance with the mandatory notice and service requirements of Bankruptcy Rule 4001(b) and LBRs 2002-1 and 2002-2.

(c) *Requirements for Further Use of Cash Collateral.* A separate application for further use of cash collateral (if an *ex parte* order is granted under this rule) shall, in accordance with Bankruptcy Rule 4001(b)(2), be filed and noticed not less than fifteen (15) days before the date set by the Court for a hearing on the further use of cash collateral. The application for continued use of cash collateral (whether preceded by a prior *ex parte* order or not) shall be served by the debtor upon all parties claiming an interest in such cash collateral as the debtor proposes to use, the creditors' committee, or if a committee has not been appointed by the time the debtor files and serves such application, then on the twenty (20) largest unsecured creditors, and the United States Trustee in accordance with the notice provisions of Bankruptcy Rule 4001(b) and LBRs 2002-1 and 2002-2.

(d) *Proposed Orders.* Proposed orders regarding cash collateral must include the following:

- (1) A paragraph which states that the provisions of the order are subject to a "winding down" proviso under which the Court reserves the right to enter such further orders as may be necessary regarding the use of cash collateral to provide for payment of any administrative claims for wage and trade creditors who have supplied goods or services to the debtor during the period of operation under this order (and any stipulation) which remain unpaid at the time of termination of authorized cash collateral usage, and which goods or services have created additional collateral for the secured claimant; and
- (2) If the proposed order is submitted with an emergency *ex parte* application to use cash collateral then, in addition, it shall limit the use of cash collateral in amount and shall state a date of termination of the *ex parte* authorization as of the earliest date on which a preliminary or final hearing on cash collateral usage can be held under the notice and service requirements of Bankruptcy Rules 4001(b) and (d) and 7004(h). The proposed order shall also provide space for the Court to fill in a deadline within which a further application for ongoing use of cash collateral shall be filed and a space for a hearing date on the application for ongoing use. In no event will an emergency *ex parte* order be entered covering in excess of thirty (30) days from the commencement of the case.

**DEBTOR — DUTIES**

(a) *Safekeeping of Books and Records.* Unless a trustee appointed by the United States Trustee takes possession of books and records of a bankruptcy estate, it shall be the duty of the debtor to maintain, preserve, and keep in safe storage all of the debtor's books and records during the time the case is pending.

(b) *Turnover of Books and Records.* Upon request, the debtor shall make the debtor's books and records immediately available to the trustee or the trustee's designated agent.

(c) *List of Inventory or Equipment.* When inventory or business equipment is scheduled in a Chapter 7 case, the debtor shall, immediately after the general description thereof or in an annexed document, furnish a detailed list of the inventory and business equipment with a brief explanation of its exact location, the name and address of the custodian thereof, the protection being given such property, and the amount of fire and theft insurance, if any. If the list of inventory and business equipment required by this rule cannot feasibly be included with the original schedules, it shall be filed not later than fifteen (15) days after the filing of the bankruptcy petition.

(d) *Preservation of Property.* If a debtor's inventory includes perishables or if property or the business premises otherwise needs immediate attention or protection, the debtor, the debtor's attorney, or the Chapter 11 trustee shall notify the clerk, the United States Trustee, and the trustee of the need for immediate action. Notification shall be by personal communication or by telephone.

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*Cross-References:*

- [\*LBR 1007-1 \(Lists, Schedules and Statements\)\*](#)
- [\*LBR 4002-2 \(Address of Debtor\)\*](#)

**ADDRESS OF DEBTOR**

The debtor shall notice the Court, any trustee appointed in the case, and the debtor's attorney of record, in writing, whenever the debtor's mailing address changes while the case is pending. Failure to comply with this rule may result in dismissal of the case, granting of relief against the debtor based upon notice to the last address of record in the case, or such other sanctions as the Court may deem appropriate.

**LIEN AVOIDANCE**

(a) *Contents Required.* Any motion seeking to avoid a lien pursuant to section 522(f) of the Bankruptcy Code shall include: (1) the claimed value of the property with respect to which relief is requested; (2) the name, address and telephone number of each lienholder (or if known, the lienholder's counsel) listed in their order of priority; and (3) the amount of each lienholder's lien.

(b) *Appraisals.* At the time the motion is served upon the respondent, the movant shall deliver a copy of the appraisal or other evidence of value upon which the movant intends to rely should the matter become contested. If no appraisal is then available, the same shall be served on respondent no later than five (5) days prior to a contested hearing on the matter. If the respondent objects to the motion and intends to submit an appraisal or other evidence of value at the hearing, the same shall be served on the movant at least five (5) days prior to the hearing.

(c) *Notice.* Upon the filing of a motion in accordance with LBF 4003-2 to avoid a lien under section 522(f) of the Bankruptcy Code, the clerk shall promptly issue to the movant's attorney a form of notice of hearing which the attorney must serve by certified mail upon the parties against whom relief is requested and their attorneys, if known, along with a copy of said motion.

(d) *Service.* In order to be valid, service must be made at least twenty (20) days prior to the hearing.

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*Cross-Reference:*

- [\*LBF 4003-2 \(Motion to Avoid Lien Pursuant to 11 U.S.C. § 522\(f\)\(2\)\)\*](#)

**REAFFIRMATION**

(a) *Debtors Represented by Counsel.* When the debtor is represented by an attorney and the debt to be reaffirmed is a consumer debt secured by real property, the reaffirmation agreement shall be filed with the clerk, and its enforceability shall be in accordance with section 524(c)(1) through (5) of the Bankruptcy Code. No order of the Court is required for approval of such an agreement, and none shall issue.

(b) *Pro Se Debtors.* When the debtor is not represented by an attorney, upon the filing of a reaffirmation agreement, the clerk shall send the debtor a questionnaire, which must be completed by the debtor and returned to the Court. Failure to return the completed questionnaire to the Court may result in the denial of the reaffirmation agreement. The Court will determine, after reviewing the terms of the reaffirmation agreement and the questionnaire completed by the debtor, whether a hearing is necessary to determine that the agreement is in the best interest of the debtor.

**Part V**  
**Court and Clerk**

**CLERK — OFFICE LOCATION/HOURS**

The business hours of the Office of the Clerk are from 8:30 a.m. to 4:30 p.m. daily except Saturday, Sunday and legal holidays. If exigent circumstances require the filing of papers outside these business hours, arrangements for such filing may be made with the clerk in advance.



**COURT PAPERS — REMOVAL OF**

All records of the Court shall remain in the custody of the clerk, subject to examination by the public without charge. The clerk shall require a written receipt from parties reviewing a file. No record shall be taken from the clerk's office without an order of the Court allowing such removal and no such order shall issue except for good cause.

**ELECTRONIC FILING**

*(a) Acceptance of Electronically Filed Pleadings.* The Court will accept for filing documents submitted, signed, or verified by electronic means that comply with procedures established by the Court for its Case Management/Electronic Case Files system, which is referred to as the “CM/ECF system.”

*(b) Waiver of Notice and Service.* Registration with the Court as a filing user of the CM/ECF system will constitute: (1) waiver of the right to receive notice by first class or certified mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service, first class or certified mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first class or certified mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

*(c) Service of Documents by Electronic Means.* Each filing user of the CM/ECF system who electronically files a pleading or other document must transmit a “Notice of Electronic Filing” to parties entitled to service or notice under the Federal Rules of Bankruptcy Procedure and these local rules. The “Notice of Electronic Filing” must be transmitted by e-mail, hand, facsimile, or first-class mail postage prepaid. Electronic transmission by the Court of the “Notice of Electronic Filing” generated by the CM/ECF system will constitute service or notice of the filed document. Parties not deemed to have consented to electronic notice or service are entitled to receive a paper copy of any electronically filed pleading or other document and service or notice must be made according to the Federal Rules of Bankruptcy Procedure and these local rules.

**FILING PAPERS — NUMBER OF COPIES**

(a) *Petitions.* An original and three (3) copies of a petition requesting relief under Chapter 7, Chapter 12 or Chapter 13 of the Bankruptcy Code shall be filed. An original and seven (7) copies of a petition requesting relief under Chapter 9 or Chapter 11 of the Bankruptcy Code shall be filed. This rule applies to both voluntary and involuntary petitions. The original and all copies of the petition, schedules, statements and lists shall conform with the requirements of LBR 1007-1. One copy of the matrix required by LBR 1002-1(d) and, in Chapter 11 cases, the matrix required by LBR 1007-2 shall be filed with each original petition. The matrix pages shall not be pre-punched or stapled together. In Chapter 13 cases, the Chapter 13 plan shall in no case be pre-punched and stapled to the petition, schedules, statements and lists, but shall be filed as a separate document.

(b) *Schedules, Statements and Lists.* The number of copies of the schedules, statements, and lists required shall be the same as the number of copies of the petition required.

(c) *Skeleton Petitions.* When a petition is filed without schedules and statements, it shall be accompanied by the matrix required by LBR 1002-1(d) and a list of creditors. Chapter 11 skeleton petitions shall comply with LBR 1002-1(e).

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*Cross-References:*

- [\*LBR 1002-1 \(Petition — General\)\*](#)
- [\*LBR 1007-1 \(Lists, Schedules and Statements\)\*](#)
- [\*LBR 1007-2 \(Mailing — List or Matrix\)\*](#)

**REOPENING CASES**

A motion to reopen a case shall be in writing, on a separate document, and shall have attached a proposed order of the Court authorizing the reopening. The Court will consider whether to act *ex parte* on the reopening or whether a hearing will be required. Any additional relief requested, if the case is reopened, shall be set forth by separate pleadings.

Any case reopened will be closed 120 days after the order granting the motion to reopen unless the proposed order filed by the moving party proposes a different date.

**WITHDRAWAL OF REFERENCE**

As provided in the advisory committee note to Bankruptcy Rule 5011 and LR 77.4, a motion to withdraw the reference shall be filed with the bankruptcy clerk. Movants shall file an original motion and a copy, together with a properly completed United States District Court Civil Cover Sheet and the filing fee as prescribed from time to time by 28 U.S.C. § 1930. Motions to withdraw reference are governed by LR 77.4(d).

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*Cross-References:*

- *LR 77.4 (Bankruptcy)*
- *LBR 5080-1 (Fees — General)*
- *LBR 5081-1 (Fees — Form of Payment)*

**CONTINUANCE**

(a) *Generally.* A trial, hearing, or pretrial conference shall be postponed only upon order of the Court. No motion for an order postponing any trial, hearing, or pretrial conference shall be made by counsel without the knowledge and consent of counsel's client. Notice of a motion to postpone any trial, hearing, or pretrial conference, together with the reasons therefor, shall be given to all other parties or their counsel within a reasonable time before submission of the motion to the Court, unless such notice is waived by the other parties or their counsel.

(b) *Conflicting Engagement.* A motion or application for a postponement on the grounds of a conflicting engagement must be filed within ten (10) days of the date such conflict became apparent and must be accompanied by written evidence of the preset hearing, trial or other matter that conflicts with the bankruptcy proceeding.

(c) *Alternative Hearing Date.* The party requesting a continuance in all cases shall obtain, in advance, by telephonic contact with the calendar clerk of the judge assigned to the case in chief or adversary proceeding in which the motion pertains, a prospective alternate hearing date and shall submit a proposed order for use by the Court, if the continuance is granted, specifying the continued hearing date.

**COURTROOM DECORUM**

The following procedures are to be followed in all proceedings in open court:

(a) *Objections.* All objections shall be stated with specificity prior to any argument or explanation of same, e.g., leading, hearsay, improper foundation, etc.

(b) *Witness Box.* During the testimony of a witness, attorneys shall not approach the witness box, except to present an exhibit to the witness pertinent to the examination, and shall generally examine the witness from the lectern.

(c) *Duplicate Exhibits.* When practical, all documentary exhibits, or relevant parts thereof, to be used in the examination of a witness shall be prepared in quadruplicate, i.e., for the witness, the examining attorney, the opposing attorney, and the Court, for use in following the testimony.

(d) *Preliminary Data.* When a witness takes the stand, the examining attorney may, subject to objection by opposing counsel, recite such background information as the attorney desires to present concerning the witness and the connection of the witness to the litigation, and then shall solicit a response from the witness as to the correctness thereof before proceeding with specific questions on the issues in controversy.

(e) *Prohibited Citations.* Attorneys and trustees appearing in any case pending in this Court shall not make reference, in open court or in chambers, to any commercial legal publication written or edited by a judge of the Court.

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*Cross-Reference:*

- [\*LBR 9070-1 \(Exhibits\)\*](#)

**PHOTOGRAPHY, RECORDING DEVICES AND BROADCASTING**

The prohibition set forth in LR 83.7 is applicable with respect to proceedings in the United States Bankruptcy Court.

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*Cross-Reference:*

- *LR 83.7 (Photographing; Broadcasting; Televising)*



**DESIGNATION OF PARTIES TO PROVIDE NOTICE**

(a) Pursuant to Bankruptcy Rule 2002, the Court designates as the party to give notice of the pleading and the hearing therefor, any party who by complaint, motion or other request however described, seeks an order or other relief from the Court. Such plaintiff, movant or requesting party shall give notice to all parties in interest upon whom the granting of the requested order would have an adverse effect, but in any event notice shall always be given to:

- (1) all persons who have filed an appearance or request for notice;
- (2) a Chapter 11 creditors' committee, and any attorney for the committee or, if no committee has been appointed, to the twenty (20) largest unsecured creditors;
- (3) the United States Trustee, the case trustee, if any, the debtor or debtor in possession and the debtor's attorney of record;
- (4) if the order requested relates to the disposition of property, to all creditors who hold or claim a security interest in the subject property by reason of a specific or general lien or encumbrance.

(b) With respect to notice required pursuant to Bankruptcy Rule 2002, the designation set forth in paragraph (a) of this rule shall be in effect wherever its terms apply.

(c) The clerk shall give notice of the initial date set for the section 341 meeting of creditors, but notice of any continued section 341 meeting shall be by the party causing the meeting to be continued. The clerk shall give such notice as required pursuant to Bankruptcy Rule 2002(a)(4), 2002(a)(5), 2002(a)(8) and 2002(f). Notice required pursuant to Bankruptcy Rule 2002(b)(1) and 2002(b)(2) shall be given by the proponent of the plan of reorganization.

**COURT REPORTING**

The record of court proceedings shall be made by electronic recording except as otherwise ordered by the Court in specific cases. The record shall be made and preserved by a deputy clerk designated as the Electronic Court Recorder Operator (ECRO).

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*Cross-Reference:*

- [\*LBR 5077-1 \(Transcripts\)\*](#)

**TRANSCRIPTS**

(a) *Ordering.* Official transcripts of the record of court proceedings may be obtained by arrangement with the ECRO. Transcripts shall be prepared by a transcription service at the direction and instance of the ECRO. Payment for such transcripts shall be by check or money order made payable to the transcription service. Checks made payable to the ECRO personally or to the clerk will be refused.

(b) *Filing.* Whenever a party orders a transcript, the original of said transcript shall be filed with the Court and the party shall be furnished with the first copy.

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*Cross-Reference:*

- [\*LBR 5076-1 \(Court Reporting\)\*](#)

**FEES — GENERAL**

When a fee is required for the filing of a document, it is the burden of the filing party to determine the appropriateness of the filing. Alleged error, mistake, or subsequent withdrawal of the matter filed does not give rise to circumstances permitting refunds, and no refund of a required filing fee shall be made. All filing fees are earned when paid.

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*Cross-References:*

- *LBR 1006-1 (Fees — Installment Payments)*
- *LBR 5081-1 (Fees — Form of Payment)*

**FEES — FORM OF PAYMENT**

The filing fee or any other required payment shall be cash, check, money order, credit card or such electronic means as may be adopted by the clerk. Personal checks or credit cards of the debtor shall not be accepted. Cash should not be sent through the mail. Checks or money orders must be made payable only to “Clerk, U.S. Bankruptcy Court.”

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*Cross-References:*

- *LBR 1006-1 (Fees — Installment Payments)*
- *LBR 5080-1 (Fees — General)*

## **Part VI**

### **Collection and Liquidation of the Estate**

**SALE OF ESTATE PROPERTY**

(a) *Sale Procedure.* Notwithstanding the language of Bankruptcy Rule 6004(c), a sale free and clear of liens may be accomplished by means of a motion, provided the motion: (1) specifies the requisite information regarding the sale; (2) includes negative notice language which otherwise conforms to the requisites of section 102(1) of the Bankruptcy Code and Bankruptcy Rule 6004(a); (3) affords creditors, parties in interest, and affected parties and lienholders not less than twenty (20) days' notice of the contingent hearing date and of the opportunity to object to the proposed action (unless the Court shortens the notice period upon appropriate request); and (4) includes in the caption of the pleading the following notation in brackets: "Hearing Contingent Upon Objections Being Filed." Objections to such motions must be timely filed pursuant to Bankruptcy Rule 6004(b). If the sale is unusually complex or involves the title to real property, the trustee (or debtor in possession) should take into account questions which may be raised as to whether a sale without court order under this procedure will be accorded the full effect of a judicial sale in certain circumstances.

(b) *All-Asset Sales.* "All-asset" sales (herein defined to mean the sale of all or substantially all of the assets of the estate) will not be approved by the Court if submitted by a Chapter 11 debtor in possession under section 363 of the Bankruptcy Code outside of a plan of reorganization unless the following requirements are satisfied:

- (1) the proposed all-asset sale is submitted by the debtor during the debtor's exclusivity period as provided under section 1121 of the Bankruptcy Code;
- (2) the proposal for the all-asset sale outside of a plan of reorganization and a proposed form of notice of same is first submitted to the Court on a motion for approval of such procedure with notice to the United States Trustee, any creditors' committee or in the absence of a committee, the twenty (20) largest unsecured creditors, and any parties who have filed their appearances in the case, followed by a preliminary hearing before the Court to consider approving such procedure;
- (3) the proposed form of notice will serve as a functional equivalent for the type of disclosure that would be required if the sale were embodied in a plan of reorganization under section 1125 of the Bankruptcy Code; and
- (4) good cause is shown to justify the proposed method of disposing of the entire estate.

If the foregoing requirements cannot be satisfied, or the proposal is made following the termination of the debtor's exclusivity period, then the debtor's remedy will be to consent to conversion to a Chapter 7 liquidation proceeding so that a disinterested trustee may act with regard to the proposal to liquidate all assets of the estate.

(c) *Persons Prohibited from Purchasing Estate Property.* The following persons shall not, directly or indirectly, purchase property from any bankruptcy estate:

- (1) employees of the Bankruptcy Court; and
- (2) any person who is serving as trustee, disbursing agent, appraiser, auctioneer, examiner, accountant, or attorney for a trustee in any matter before the Court.

(d) *Auctioneer.* The auctioneer retained by the trustee, debtor in possession or Chapter 13 debtor to sell assets out of the ordinary course of business shall file a report as required by Bankruptcy Rule 6004(f) within forty-five (45) days after the sale has been completed.

Any person who has served as trustee, disbursing agent, examiner, appraiser, auctioneer, accountant, or attorney for a trustee shall not directly or indirectly purchase property from the bankruptcy estate in which he or she was appointed or acted. Sales or purchases made in violation of this rule are unauthorized and no title shall pass by reason thereof.



**EXECUTORY CONTRACTS**

Whenever a motion for approval of assumption or rejection of an unexpired lease of nonresidential real property, i.e., a commercial lease, is filed within the sixty (60) day period established under section 365 of the Bankruptcy Code, and it appears that the Court's calendar will not permit the motion to be heard within the sixty (60) day period, it shall be the duty of the movant to submit, with the motion for approval of assumption or rejection, a proposed form of order for *ex parte* entry granting an extension of time to a date certain to assume or reject the lease sufficient for the Court to hear and resolve said motion. This action is required to avoid a contention of forfeiture of a lease under the proviso in section 365(d)(4) to the effect that the lease is deemed rejected if not assumed within sixty (60) days following the commencement of the case "or within such additional time as the Court, for cause, within such 60-day period, fixes."

**ABANDONMENT**

(a) *Notice of Intent to Abandon Property.* The trustee or debtor in possession shall file notice of any proposed abandonment of property with the clerk. Upon receipt thereof, the clerk shall transmit, or cause to be transmitted, notice of the proposed abandonment to all entities in the manner specified in Bankruptcy Rule 6007(a).

(b) *Hearing on Objections to Abandonment.* Upon receipt of an objection to a proposed abandonment, the calendar clerk shall set a hearing date and shall issue a form of notice of hearing to be mailed to the trustee, the objecting party, the United States Trustee, the debtor, the debtor's attorney, and to all parties filing an appearance in the case.

(c) *Effective Date of Abandonment.* If no objection to a notice of intent to abandon is made within fifteen (15) days of the mailing of the notice of proposed abandonment by the clerk, the abandonment shall be considered uncontested. Thereafter, the trustee or debtor in possession may obtain, upon request in writing, a clerk's certificate setting forth the following: (1) the date of the filing of the notice of intent to abandon; (2) the name of the party who filed the notice of intent to abandon; (3) that proper service was issued in compliance with the requirements of these rules; (4) that no objection to the notice of intent to abandon has been filed; and (5) that the Court deems the property to be abandoned without further order or hearing.

**Part VII-A**  
**Adversary Proceedings**

**COVER SHEET**

All adversary complaints must be accompanied at the time of filing with a completed adversary proceeding cover sheet.

**SUMMONS**

The filing of a complaint, the issuance of a summons, and service thereof shall be governed solely by Bankruptcy Rule 7004. The clerk shall issue, execute and transmit to the plaintiff or plaintiff's attorney an appropriate summons.

**MOTION PRACTICE — IN ADVERSARY PROCEEDINGS**

Apart from the initial filing of the adversary complaint and answer thereto, the procedures and formats for all motions in adversary proceedings shall comply with the requirements set forth in Part VII-B of these Local Bankruptcy Rules.

**PRETRIAL PROCEDURES — PRELIMINARY PRETRIAL CONFERENCES**

(a) *Scheduling.* Upon the filing of an adversary complaint, the Court shall, on its own accord and in conformity with Federal Rule of Civil Procedure 16, made applicable to adversary proceedings by Bankruptcy Rule 7016, schedule a pretrial conference.

(b) *Subjects for Consideration.* The court may consider and take appropriate action on:

- (1) any matter referenced in the discovery plan filed by the parties pursuant to LBR 7026-1;
- (2) bifurcation of trial;
- (3) memoranda, motions or other documents to be filed with the final pretrial statement pursuant to LBR 7016-2; and
- (4) any other subject listed in Federal Rule of Civil Procedure 16(c).

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*Cross-References:*

- [\*LBR 7016-2 \(Pretrial Procedures — Final Pretrial Statements\)\*](#)
- [\*LBR 7026-1 \(Discovery — General\)\*](#)

**PRETRIAL PROCEDURES — FINAL PRETRIAL STATEMENTS**

(a) *Final Pretrial Statements.* Unless otherwise ordered by the Court, parties shall file final pretrial statements no later than ten (10) days before the final pretrial conference or the commencement of the trial if no final pretrial is held. The parties are encouraged to file a joint final pretrial statement.

(b) *Contents of Final Pretrial Statements.* Unless otherwise ordered by the Court, final pretrial statements shall contain:

- (1) a brief statement of the case assented to by all parties;
- (2) a complete written stipulation of all contested and uncontested facts or, if counsel cannot agree, separate statements of the same by each party;
- (3) a complete written stipulation of the applicable law and any disputed issues of law or, if counsel cannot agree, separate statements of the same by each party;
- (4) the name and, if not previously provided, the address and telephone number of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises;
- (5) a written waiver of claims or defenses, if any;
- (6) a list of all depositions which may be read into evidence;
- (7) a list of all exhibits to be offered at trial separately identifying those which the party expects to offer and those which the party may offer if the need arises (exhibits intended to be used solely for impeachment need not be listed);
- (8) a statement of the latest demand and offer, and a statement describing the parties' participation in any alternative dispute resolution process;
- (9) a statement of a claim for attorneys' fees, if applicable, with citation to the statutory and/or regulatory authorities relied upon as the basis for other claim; and
- (10) an estimate of the length of trial.

(c) *Documents to Accompany Final Pretrial Statements.* Each party shall also file such memoranda, motions and other documents with the final pretrial statement as ordered by the Court.

(d) *Duty to Update.* If a case is continued after the parties have filed final pretrial statements, the parties shall either update their final pretrial statements or file a stipulation that no change is necessary no later than ten (10) days prior to the new final pretrial conference or the continued commencement of trial if no such final pretrial conference is scheduled.



(e) *Objections.* Unless otherwise ordered by the Court, objections to exhibits, motions *in limine*, proposed jury instructions, and proposed findings of fact and rulings of law shall be filed no later than two (2) days prior to the commencement of trial.

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*Cross-Reference:*

- [\*LBR 7016-3 \(Pretrial Procedures — Final Pretrial Conferences\)\*](#)

**PRETRIAL PROCEDURES — FINAL PRETRIAL CONFERENCES**

(a) *Scheduling.* The Court may schedule a final pretrial conference to be held approximately ten (10) days prior to trial.

(b) *Attendance.* Counsel with settlement authority shall attend. Parties shall attend unless excused by a prior order of the Court, in which case they shall be available by telephone. Unless otherwise ordered by the Court, the United States may be represented solely by an attorney from the United States Attorney's Office, the Department of Justice, or the United States Trustee's Office, and the State of New Hampshire may be represented solely by an attorney from the Office of the Attorney General, provided that said representatives have settlement authority.

(c) *Subjects for Consideration.* In addition to the subjects listed in Federal Rule of Civil Procedure 16(c), the Court may consider and take appropriate action on the following subjects:

- (1) evidentiary problems, including admissibility of exhibits, motions in limine, expert witnesses, and elimination of cumulative evidence;
- (2) order of presentation in multi-party cases;
- (3) order of witnesses;
- (4) contested issues of law;
- (5) stipulations of uncontested fact;
- (6) possibility of settlement; and
- (7) length of trial and imposition of time limits.

(d) *Objection to Videotape Testimony.* A party objecting to a question or an answer in videotaped testimony shall provide the Court with a transcript of the question or answer at issue during the final pretrial conference.

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*Cross-Reference:*

- [\*LBR 7016-2 \(Pretrial Procedures — Final Pretrial Statements\)\*](#)

**PRETRIAL PROCEDURES — ALTERING DEADLINES**

(a) *Deadlines Established by the Court.* Deadlines established by the Court shall not be changed by agreement without Court approval.

(b) *Discovery Deadlines.* A stipulation extending the time within which to respond or object to a discovery request or to take a deposition need not be approved by the Court provided the extended date by which the response is due or on which the deposition is to be taken is prior to the discovery completion date established for the case or at least thirty (30) days prior to the date set for the final pretrial conference or the commencement of the trial, whichever is earlier.

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*Cross-Reference:*

- [\*LBR 9071-1 \(Stipulations\)\*](#)

**UNCONSTITUTIONALITY — CLAIM OF**

To enable the Court to comply with 28 U.S.C. § 2403, whenever in any action, suit, or proceeding to which the United States or any agency, officer or employee thereof is not a party, and the constitutionality of any Act of Congress affecting the public interest is drawn into question, the party raising such question shall give written notice to the Court, in duplicate, giving the title of the case, a reference to the questioned statute sufficient for its identification, and the respects in which it is claimed to be unconstitutional.

**DISCOVERY — GENERAL**

(Adopted pursuant to Court order dated November 30, 2000)

(a) *Initial Disclosures.* Except to the extent otherwise stipulated or directed by order, parties shall make initial disclosures as required by Federal Rule of Civil Procedure 26(a)(1) without awaiting a discovery request. These disclosures must be made at or within fourteen (14) days after the conference of the parties required by Federal Rule of Bankruptcy Procedure 7026 and LBR 7026-1(f) or except as otherwise provided by Rule 26(f). Any party first served or otherwise joined after the Rule 26(f) conference must make these disclosures within thirty (30) days after being served or joined unless a different time is set by stipulation or court order.

(b) *Expert Testimony.* Parties shall make such disclosures under Federal Rule of Civil Procedure 26(a)(2)(B) as may be ordered by the Court, and the other disclosures under Federal Rule of Civil Procedure 26(a)(2) when ordered by the Court or, if the Court has not established the time for disclosure, at the time set by Federal Rule of Civil Procedure 26(a)(3).

(c) *Pretrial Disclosures.* Parties shall make disclosures mandated by Federal Rule of Civil Procedure 26(a)(3) and file objections thereto when such disclosure is mandated by LBR 7016-2.

(d) *Form of Disclosure; Filing.* The disclosures mandated by Federal Rule of Civil Procedure 26(a)(1), (2) and (3) shall be in writing and shall be signed and served on all parties. Parties shall not file disclosures mandated by Federal Rule of Civil Procedure 26(a)(1) and (2) unless filing is required by court order.

(e) *Limits on Depositions and Interrogatories.* The presumptive limits in Rules 30(a), 31(a), and 33(a) regarding the number of depositions and interrogatories apply to all adversary proceedings in the Court, except:

(1) as otherwise stipulated by the parties in writing; and

(2) pursuant to Federal Rule of Civil Procedure 26(b)(2), the Court may alter the discovery limits prescribed by the Federal Rules of Civil Procedure. Parties shall discuss issues pertaining to limits on discovery at the planning conference required by LBR 7016-1 and shall attempt to stipulate to exceptions to discovery limits. If the parties do not so stipulate, parties may request exceptions to discovery limits at the preliminary pretrial conference held pursuant to LBR 7016-1.

(f) *Conference of Parties; Planning for Discovery.*

(1) Except when otherwise ordered, at least twenty-one (21) days before the preliminary pretrial conference, the parties shall confer to consider the subjects listed in Federal Rules of Civil Procedure 16(c) and 26(f), to make or arrange for the disclosure required by Federal Rule of Civil Procedure 26(a)(1), and to develop a proposed discovery plan. The parties may agree to hold their meeting by telephone. The discovery plan shall include the parties' positions on:

(A) any changes that should be made in the timing, form, or requirement for disclosures under Federal Rule of Civil Procedure 26(a), including a statement as to when disclosures under Rule 26(a)(1) were made or will be made;

(B) any subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused upon particular issues;

(C) any changes that should be made in the limitations on discovery under the Federal Rules of Civil Procedure, including limitations established by Rules 30(a), 31(a), and 33(a), and any other limitations

the Court should order; and

(D) other orders that should be entered under Federal Rules of Civil Procedure 26(c) or 16(b) and (c).

- (2) The attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for arranging the conference, for attempting in good faith to agree on the proposed discovery plan, and for submitting to the Court within fourteen (14) days after the conference, but in any event no later than four (4) days before a scheduled preliminary pretrial conference, a written report outlining the discovery plan.
- (3) Except as agreed upon by the parties, ordered by the Court, or provided by Federal Rule of Civil Procedure 26(a)(1), parties shall not seek discovery pursuant to Federal Rules of Civil Procedure 26 before the parties have held a planning conference as required by this rule.

(g) *Filing of Discovery Materials with Court.* Parties shall not file discovery materials with the Court unless otherwise ordered in which case counsel shall so specify in a cover letter.

(h) *Form of Discovery Documents.* Parties serving interrogatories, requests for production of documents or things, or requests for admissions shall provide appropriate space for the response. Parties answering these discovery requests shall either respond in the space provided or reproduce each interrogatory or request immediately preceding the response. Parties shall number all discovery requests and responses sequentially regardless of the number of different sets.

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*Cross-References:*

- [\*LBR 4001-1 \(Automatic Stay — Relief From\)\*](#)
- [\*LBR 7016-1 \(Pretrial Procedures — Preliminary Pretrial Conferences\)\*](#)
- [\*LBR 7016-2 \(Pretrial Procedures — Final Pretrial Statements\)\*](#)
- [\*LBR 9014-1 \(Contested Matters\)\*](#)

**DEFAULT — FAILURE TO PROSECUTE**

When a defendant has failed to answer a properly served summons, the Court will issue an order entering default. After the default has been entered, the plaintiff must file a motion for default judgment accompanied by an affidavit setting forth:

- (a) the amount due, if any;
- (b) whether the defendant is an infant or incompetent person; and
- (c) the defendant's military service status in accordance with the requirements of 50 U.S.C. Appx. § 520.

The calendar clerk shall set a hearing on the motion for default judgment. The plaintiff shall serve on the defendant the motion, the affidavit, a proposed order and a notice of the hearing.

**Part VII-B**

**Motion Practice Generally**



**MOTION PROCEDURE**

(a) *Generally.* Motion practice refers to all requests for entry of an order by the Court other than adversary proceedings covered by Bankruptcy Rules 7001 - 7087 and Part VII-A of these Local Bankruptcy Rules. The reference to “motions” herein is intended to cover all such requests for an order by the Court, whether denominated a “motion” or an “application” in accordance with the particular rule or statutory provision involved.

(b) *Hearing Dates.* Counsel are directed, prior to submission of moving papers requiring a hearing, to contact the calendar clerk of the judge assigned to the case in chief or adversary proceeding for which a hearing is sought to reserve a time certain for the hearing on the motion or application. The telephone numbers for the Court’s calendar clerks are set forth in AO 7101.

(c) *Filing Deadline/Copies.* Upon being given a reserved time and date certain on the calendar, the party seeking the hearing, unless directed otherwise by the calendar clerk, shall file with the clerk, not later than seven (7) days from the date on which they were given the hearing date, the original pleading to be heard, along with the notice of hearing and a certificate of service regarding the same. A separate photocopy of the original pleading, notice of hearing and certificate of service shall be filed together with the original pleading and shall be marked to the “ATTENTION OF THE CALENDAR CLERK OF JUDGE\_\_\_\_\_.”

(d) *Failure to Comply — Deadline.* Failure to comply with the foregoing seven (7) day deadline for filing pleading, notice and certificate may result in the cancellation of the hearing and denial of the pleading without prejudice.

(e) *Failure to Comply — Copies.* Failure to furnish the required copies marked to the attention of the calendar clerk may also result in the cancellation of the hearing and denial of the pleading without prejudice.

(f) *Implementation of Rule.* The calendar clerk and the clerk of court shall act together to ensure that LBR 1017-2 dealing with dismissals for failure to prosecute is appropriately implemented in motion practice in the Court.

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*Cross-References:*

- [\*LBR 1017-2 \(Dismissal or Suspension — Case or Proceedings\)\*](#)
- [\*LBR 7007-1 \(Motion Practice — In Adversary Proceedings\)\*](#)

MOTION CONTENT*(a) Form.*

- (1) *Title.* Motions shall be considered only if submitted separately from other filings and only if the word “motion” appears in the title. The caption of every pleading shall include a brief designation of the character of the pleading. The caption, or the first sentence of the paper, shall also identify the party submitting same and its relationship to the estate.
- (2) *Hearing Date and Time.* All pleadings — of whatever nature related to a scheduled hearing — shall contain in their style, in prominent type, the date and time of the scheduled hearing to which they pertain. Incorporation of the date and time of the hearing on the face of a pleading does not obviate the requirement of counsel to serve a separate notice of hearing specifying the date, time, courtroom and location of the hearing.
- (3) *Chapter of Case.* All pleadings shall include in their style or reference, following the case number, the chapter of the case involved, i.e., Chapter 7, 9, 11, 12 or 13 as applicable.
- (4) *Judge Initials.* The initials of the judge assigned to the pending matter shall be separated by a hyphen immediately following the docket number for the pending matter.
- (5) *BNH Identification.* All pleadings shall contain, after counsel’s signature, the BNH identification number assigned to counsel by the clerk. If counsel does not have a BNH identification number at the time a document is filed, then one shall promptly be assigned to counsel by the clerk.

*(b) Pleadings Required.*

- (1) *Motion.* A motion shall be filed to request any action by the Court.
- (2) *Answer or Response.* An answer or response to every motion shall be filed with the Court.
- (3) *Memorandum and Supporting Documents.* Every motion and objection shall be accompanied by a memorandum with citations to supporting authorities or a statement explaining why a memorandum is unnecessary. Every motion and objection which require consideration of facts not in the record shall be accompanied by affidavits or other documents showing those facts. Except by prior leave of the Court, no memorandum in support of, or in opposition to, a nondispositive motion shall exceed fifteen (15) pages and no memorandum in support of, or in opposition to, a dispositive motion shall exceed twenty-five (25) pages. A reply memorandum shall not be permitted without prior leave of the Court.
- (4) *Proposed Orders.* The initiating motion shall be accompanied by a proposed form of order for the relief requested.

*(c) Time for Response.* Except as otherwise required by law or order of the Court, every objection, except objections to summary judgment motions, shall be filed within ten (10) days from the date the motion is filed. Objections to summary judgment motions shall be filed within thirty (30) days from the date the motion is filed. The time periods described in this rule shall be determined in accordance with Federal Rule of Civil Procedure 6(a) and (e). The Court shall deem waived any objection not filed in accordance with this rule.

*(d) Concurrence.* Any party filing a motion other than a dispositive motion shall certify to the Court that a good faith attempt has been made to obtain concurrence in the relief sought. If the moving party has obtained concurrence, a statement of concurrence shall be included in the body of the motion so the Court may consider it without delay. If

concurrence has been obtained, the motion shall also contain the words “assented-to” in its title.

(e) *Extensions.* All motions for extension of time shall state: (1) the new date requested; (2) whether previous applications for extension of time on the matter have been requested, including the number and length of previous extensions; and (3) whether the opposing party or parties in interest agree or object to the requested extension.

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*Cross-Reference:*

- [\*LBR 9004-2 \(Caption — Papers, General\)\*](#)

**CERTIFICATE OF SERVICE — MOTIONS**

(a) *Certificates of Service.* All pleadings other than a motion for relief from the automatic stay and the initiating complaint in an adversary proceeding shall include a certificate of service attached to the end of the pleading. The certificate of service shall identify the manner of service, the date of service and the parties who were served. The name and complete mailing address of every person or class of persons served must be listed. The pleading may be dismissed without prejudice for failure to comply with the rule.

(b) *Persons to be Noticed.* In all cases, notice shall be sent to the parties designated by the clerk pursuant to LBR 5075-1 and to any other parties as may be required by the Bankruptcy Code, the Bankruptcy Rules and the Local Bankruptcy Rules.

(c) *Copy of Certificate.* A copy of the certificate of service and the service list shall be served on all parties who are served with the paper itself, unless otherwise specified by a standing procedural order in a particular case.

(d) *Sanctions.* Certificates signed by non-attorneys shall be made under penalty of perjury. Certificates by attorneys are subject to Bankruptcy Rule 9011.

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*Cross-References:*

- [\*LBR 2002-1 \(Notice to Creditors and Other Interested Parties\)\*](#)
- [\*LBR 5075-1 \(Designation of Parties to Provide Notice\)\*](#)
- [\*LBR 9004-1 \(Papers — Requirements of Form\)\*](#)

## **Part VIII**

### **Appeals to District Court or Bankruptcy Appellate Panel**

**NOTICE OF APPEAL**

(a) *Filing of Appeals.* An appeal from a final order or judgment or decree of the Court shall be taken to the United States District Court for the District of New Hampshire or the United States Bankruptcy Appellate Panel for the First Circuit as provided by 28 U.S.C. § 158(a) and Part VIII of the Bankruptcy Rules and shall be made by filing a notice of appeal with the clerk of the Bankruptcy Court within the time allowed by Bankruptcy Rule 8001.

(b) *Scheduling.* Upon the filing of an appeal, the clerk of the district court or bankruptcy appellate panel shall issue a notice of docketing and briefing deadline. Parties shall file briefs in accordance with the deadlines established in Bankruptcy Rule 8009.

(c) *Extensions, Consolidation and Dismissal.* If an appeal is taken to the United States District Court for the District of New Hampshire, in accordance with the provisions of LR 77.4(c)(1), the Bankruptcy Court shall: (1) hear motions to extend deadlines and to consolidate appeals which present similar issues from a common record; (2) dismiss an appeal filed after the time specified in Bankruptcy Rule 8002; and (3) dismiss an appeal in which the appellant has failed to file a designation of items as required by Bankruptcy Rule 8006. If an appeal is taken to the United States Bankruptcy Appellate Panel for the First Circuit, the rules governing the bankruptcy appellate panel shall govern.

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*Cross-Reference:*

- LR 77.4 (Bankruptcy)

**MOTION FOR LEAVE TO APPEAL**

The United States District Court for the District of New Hampshire and the United States Bankruptcy Appellate Panel for the First Circuit have jurisdiction of appeals from interlocutory orders and decrees of the Court, but only by leave of the district court or bankruptcy appellate panel under 28 U.S.C. § 1334(b). Leave to appeal under 28 U.S.C. § 1334(b) shall be sought by filing a motion pursuant to Bankruptcy Rule 8003(a).

**STAY PENDING APPEAL**

The filing of a notice of appeal does not stay the operation of the appealed order. All parties are required to comply with the provisions of the order in the absence of a stay even though compliance may ultimately render the appeal moot. Appellants seeking a stay pending appeal must comply with the provisions of Bankruptcy Rule 8005. See also 11 U.S.C. §§ 363(m), 364(e) and 921(e).



**Part IX**  
**General Provisions**

**PAPERS — REQUIREMENTS OF FORM**

(a) *Hearing Date and Time.* All pleadings—of whatever nature related to a scheduled hearing—shall contain in their style, in prominent type, the date and time of the scheduled hearing to which they pertain. Incorporation of the date and time of the hearing on the face of a pleading does not obviate the requirement of counsel to serve a separate notice of hearing specifying the date, time, courtroom (4th or 7th Floor) and location of the hearing.

(b) *Chapter Number.* All pleadings shall include in their style or reference, following the case number, the chapter of the case involved, i.e., Chapter 7, 9, 11, 12 or 13, as applicable.

(c) *Assigned Judge.* The initials of the judge assigned to the pending matter shall be separated by a hyphen immediately following the docket number for the pending matter.

(d) *BNH Number.* All pleadings shall contain, after counsel’s signature, the BNH identification number assigned to counsel by the clerk. If counsel does not have a BNH identification number at the time a document is filed, then one shall promptly be assigned to counsel by the clerk.

(e) *Citation of Prior Orders.* Any pleading filed with this Court which refers to a prior order of the Court shall either state the court document number of the order referred to or have attached to it a true and correct copy of such order.

(f) *Prohibited Citations.* No pleading or other paper filed with this Court shall make reference to any commercial legal publication written or edited by a judge of this Court.

(g) *Signed Originals.* Whenever a pleading or other document is required to be filed, such filing shall be effective only upon receipt and date-stamping of a signed original document.

(h) *Electronic Filing.* Electronically transmitted facsimiles or other substitute copies of documents shall not be construed to be signed original pleading documents.

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*Cross-References:*

- [\*LBR 1070-1 \(Jurisdiction\)\*](#)
- [\*LBR 9004-2 \(Captions — Papers, General\)\*](#)
- [\*LBR 7103 \(Certificate of Service — Motions\)\*](#)

**CAPTION — PAPERS, GENERAL**

(a) *Generally.* The caption of every pleading shall include a brief designation of the character of the pleading. The caption, or the first sentence of the paper, shall also identify the party submitting same and its relationship to the estate.

(b) *Contested Matters.* All contested matters to which a response is required pursuant to Bankruptcy Rule 9014 and LBRs 4001-1, 4001-2 and 4003-2 should bear a caption at the top of the pleading similar to that used in adversary proceedings under Bankruptcy Rule 7001, with the moving party to be identified as “movant” and the responding party to be identified as “respondent.”

(c) *Consolidated/Jointly Administered Cases.* Pleadings filed in a consolidated or jointly administered case shall contain in their caption the name of the chief case and, where there is only one additional case, the name of that case as well. The case numbers of both cases shall appear, with that of the chief case listed first. When more than two cases are consolidated or jointly administered, the caption shall contain the name of the chief case followed by the abbreviation “et al.,” and only the case number of the chief case need be indicated. In every case subject to this rule, the caption shall indicate, following the listing of the debtors, the phrase “substantively consolidated” or “jointly administered,” whichever is appropriate.

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*Cross-References:*

- [\*LBR 1015-1 \(Joint Administration/Consolidation\)\*](#)
- [\*LBR 4001-1 \(Automatic Stay — Relief From\)\*](#)
- [\*LBR 4001-2 \(Cash Collateral\)\*](#)
- [\*LBR 4003-2 \(Lien Avoidance\)\*](#)

**ATTORNEYS — NOTICE OF APPEARANCE**

(a) *Automatic Appearance.* The signature of an attorney for a petitioner on a bankruptcy petition, or the signature of an attorney on a complaint or motion in a bankruptcy case, constitutes a notice of appearance pursuant to Bankruptcy Rule 9010 and constitutes a certification that the attorney is authorized to practice in the United States District Court.

(b) *Appearance by Notice.* Any attorney other than the debtor's attorney who wishes to receive copies of notices generally sent to creditors in a case shall file a separate document entitled "Appearance" that sets forth the attorney's name, address, telephone number, client's name and relationship to the estate.

**POWER OF ATTORNEY**

An attorney or agent who wishes to receive a dividend check for a client must file a power of attorney with the proof of claim. All proofs of claim must include the creditor's complete mailing address. Attorneys or agents for creditors may not substitute their address for that of the creditor unless a power of attorney is filed.

**PRO SE PARTIES**

The signature of an individual not represented by counsel on a bankruptcy petition, complaint, or motion shall constitute a *pro se* appearance. A *pro se* party may not authorize another person who is not a member of the Bar of the United States District Court to appear on his or her behalf. This includes a spouse or relative and any other party on the same side who is not represented by an attorney. In accordance with LR 83.6(c), corporations and unincorporated associations may not appear *pro se*.

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*Cross-References:*

- *LR 83.6 (Appearances)*
- *[LBR 1004-1 \(Petition — Partnership\)](#)*
- *[LBR 1004-2 \(Petition — Corporation\)](#)*

**SANCTIONS**

Failure of counsel for any party to appear before the Court at a conference, to complete the necessary preparations, or to be prepared to proceed to trial at the time set, without justifiable excuse, shall support an appropriate order for sanctions against the defaulting party and counsel to cover the resulting unnecessary time and expense caused the other party or parties involved.

**CONTESTED MATTERS**

The Court directs that Federal Rule of Bankruptcy Procedure 7026 and LBR 7026-1 shall not apply to contested matters governed by Federal Rule of Bankruptcy Procedure 9014 unless otherwise ordered. The clerk, having given notice to all parties of the adoption of these Local Bankruptcy Rules, is hereby deemed to have complied with the obligations of the clerk imposed by Federal Rule of Bankruptcy Procedure 9014 with respect to notifying parties that Rule 7026 is not applicable to contested matters.

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*Cross-References:*

- *LBR 7026-1 (Discovery — General)*



**SETTLEMENTS AND AGREED ORDERS**

(a) *Generally.* Counsel shall notify the Court immediately upon the settlement of an adversary proceeding. If, by the date set for the trial, counsel have not submitted an order disposing of the proceeding, then counsel shall appear at the time of the scheduled hearing and state the settlement on the record, and shall submit the appropriate order within ten (10) days. Failure to submit the appropriate order within ten (10) days shall be cause for dismissal of the adversary proceeding for want of prosecution, without further notice.

(b) *More Than Ten Days From Trial.* If a settlement is reached more than ten (10) days prior to trial, then the parties shall file a written form of settlement within ten (10) days following the report of settlement to the calendar clerk. If no written settlement is filed within the specified time, then the calendar clerk shall reschedule the matter and bring to the Court's attention the question of possible sanctions against counsel who represented that a settlement had been reached.

(c) *Less Than Ten Days From Trial.* If a settlement is reached within ten (10) days of the date of trial, then the parties shall file a written form of settlement within no less than twenty-four (24) hours of the time of trial. If no written settlement is filed within the specified time, then the parties shall appear in court at the time of trial and verbally recite into the record the terms of the settlement.

**JUDGMENTS AND ORDERS — ENTRY OF**

Pursuant to Bankruptcy Rule 9021, no final disposition of an adversary proceeding is effective until a judgment is entered on a separate document. Accordingly, all stipulated or proposed orders submitted to dispose of an adversary proceeding shall be accompanied by a short separate final judgment incorporating by reference the provisions of the dispositive stipulation or order.

**LOCAL RULES — GENERAL**

(a) *Scope of Rules.* These Local Bankruptcy Rules (“LBRs”) are prescribed pursuant to Bankruptcy Rule 9029 and 28 U.S.C. § 2071(a), and have been adopted in compliance with 28 U.S.C. §§ 332(d)(4), 2071(b), and 2071(d) to govern the practice and procedure before the United States Bankruptcy Court for the District of New Hampshire. All prior local bankruptcy rules and administrative orders are repealed, except any standing procedural administrative orders that relate only to a specific case. To the extent that a conflict appears or arises between the Local Bankruptcy Rules and Administrative Orders of this Court and any rules of the United States District Court for the District of New Hampshire or any bankruptcy rules promulgated by the Supreme Court of the United States, the latter rules shall govern.

(b) *Effective Date.* These rules become effective on July 1, 1997.

(c) *Definitions.*

- (1) “Attorney” or “counsel” includes any party appearing *pro se*.
- (2) “Clerk” or “clerk’s office” means the clerk of the United States Bankruptcy Court and deputy clerks unless the context dictates otherwise.
- (3) “Court” means the bankruptcy judge to whom a proceeding or matter has been assigned.
- (4) “Judge” means United States Bankruptcy Judge.

(d) *Amendments.* Except as otherwise provided, the Court shall give notice of proposed amendments to the Local Bankruptcy Rules through publication in the *New Hampshire Bar News* and posting in the clerk’s office. The Court shall allow at least thirty (30) days from the date of notice for public comment. When the Court determines that there is an immediate need for an amendment, it may proceed without providing public notice or public comment, provided that the Court promptly thereafter gives public notice and opportunity for public comment.

(e) *Sanctions.* Except as otherwise provided by law, the Court may dismiss an action, enter a default, or impose other sanctions it deems appropriate, for any violation of, or failure to comply with, these Local Bankruptcy Rules. The Court may excuse the failure to comply with any local bankruptcy rule whenever justice so requires.

**LOCAL RULES — GENERAL ORDERS**

The Court may adopt administrative orders for the conduct and disposition of proceedings before it, and may from time to time alter and amend the same, provided that such administrative orders shall not be inconsistent with the provisions of the Bankruptcy Code, the Bankruptcy Rules, or these Local Bankruptcy Rules. Administrative orders shall be numbered according to the uniform numbering system prescribed by the Judicial Conference for local rules and cited as “AO.” Copies of such administrative orders, together with any forms referred to therein, shall be available at the clerk’s office to interested parties upon request.

**EXHIBITS**

Whenever exhibits are entered in a proceeding, they do not become a permanent part of the files and records of the Court. Upon the conclusion of any proceeding in which exhibits have been entered and the expiration of the applicable limit on appeals, the offering party or parties shall have 180 days within which to request the return and make arrangements for recovering said exhibits. Whenever a party or parties fail to make such request and arrangements for recovery on a timely basis, the clerk is hereby empowered to, and shall dispose of, said exhibits without further order of the Court.

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*Cross-Reference:*

- [\*LBR 5072-1 \(Courtroom Decorum\)\*](#)

**STIPULATIONS**

(a) *Conditional Terms.* A stipulation, judgment, or stipulated order filed and entered by the Court containing conditional terms, including automatic dismissal, conversion, or relief from stay, is not itself self-executing. The moving party must submit an affidavit stating that the conditions have or have not been met and a proposed order granting the appropriate relief to be entered by the Court two (2) business days after filing and mailing a copy of the same to all opposing parties.

(b) *Enforceability.* No understanding or arrangement between parties or attorneys affecting the course or conduct of trial shall be enforceable for any purpose unless the same is in writing or made a part of the record by oral representation. No stipulation shall have the effect of relieving the parties from a prior order of the Court, including a scheduling order, unless such stipulation is approved by the Court in writing.

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*Cross-References:*

- [\*LBR 7016-4 \(Pretrial Procedures — Altering Deadlines\)\*](#)
- [\*LBR 9019-1 \(Settlements and Agreed Orders\)\*](#)
- [\*LBR 9072-1 \(Orders — Proposed\)\*](#)

**ORDERS — PROPOSED**

(a) *Generally.* If counsel is directed to submit a proposed order or judgment following a hearing or trial, the proposed order or judgment must be submitted within (10) ten days following the hearing or trial, or as the Court otherwise directs. Failure to submit the proposed order or judgment within the time required will result in denial of the moving pleading or complaint without prejudice.

(b) *Stipulations.* Orders based on stipulations shall state in their first paragraph: (1) the date the stipulation was orally approved by the Court; or (2) the reason why the stipulation does not require notice; or (3) that the stipulation has been duly noticed and no objection has been filed and that no hearing is required.

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*Cross-References:*

- [\*LBR 3017-1 \(Disclosure Statement — Approval\)\*](#)
- [\*LBR 3020-1 \(Chapter 11 — Confirmation\)\*](#)
- [\*LBR 3022-1 \(Final Report/Decree \(Chapter 11\)\)\*](#)
- [\*LBR 4001-2 \(Cash Collateral\)\*](#)
- [\*LBR 9071-1 \(Stipulations\)\*](#)

### HEARINGS

(a) *Scheduling Hearings.* The scheduling of all motion hearings is controlled by the deputy clerk designated as the calendar clerk. Except as provided otherwise in Part VII-A or Part VII-B of these rules, counsel are required prior to the submission of pleadings or moving papers to contact the calendar clerk to reserve a time certain for any required hearing. The pleadings, when filed accordingly, must be accompanied by the papers giving notice of hearing at the time reserved. Pleadings not in compliance will be denied without prejudice to a new filing in compliance with this rule.

(b) *Expedited Hearings.* The Court is limited in its ability to provide hearings on the short notice sometimes requested. In any instance in which exigent circumstances demand an expedited hearing, counsel are directed to comply with the terms of LBRs 7007-1 or 7101, whichever is applicable. Only after obtaining a date certain for a hearing shall counsel file a motion to expedite that hearing along with a proposed order. The motion shall refer to the hearing date scheduled and shall state in clear terms why the date scheduled is not appropriate, why the hearing needs to be expedited, and how soon the parties want a hearing. The Court cannot, on a case-by-case basis, review the status of each file to determine the appropriateness of expediting hearings, and must rely upon such information as herein required to make that determination.

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*Cross-References:*

- [\*LBR 7007-1 \(Motion Practice — In Adversary Proceedings\)\*](#)
- [\*LBR 7101 \(Motion Procedure\)\*](#)



**TELEPHONIC APPEARANCES AND HEARINGS**

(a) *Request to Appear Telephonically.* A party or parties may timely request to appear at a pretrial conference or motion hearing telephonically, and the Court will determine whether appearance by telephone is appropriate in the circumstances.

(b) *Telephone Conference Hearing.* The parties to a proceeding may, upon a timely request, ask the Court to conduct a pretrial conference or motion hearing by telephone. The Court will determine whether the matter may be appropriately handled as a telephone conference hearing in order to save travel time, expense of the parties, or for other good cause, and will advise the parties of same.

(c) *Arrangements.* A party or parties wishing to appear at a pretrial conference or motion hearing by telephone, or wishing to conduct a pretrial conference or motion hearing telephonically, shall timely request the same of the calendar clerk or the courtroom electronic recorder operator (ECRO). If the request is granted, the Court will initiate the call, unless more than three parties are appearing telephonically, in which case the initiating party shall place the call by ordinary commercial means.

(d) *Telephone Numbers.* The telephone numbers for the Court's calendar clerks and ECROs are set forth in AO 7101.

UNITED STATES BANKRUPTCY COURT  
FOR THE  
DISTRICT OF NEW HAMPSHIRE

In re:

Bk. No. \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Chapter \_\_\_\_\_

\_\_\_\_\_,  
Debtor

\_\_\_\_\_,  
Movant

v.

\_\_\_\_\_,  
Respondent

MOTION TO AVOID LIEN PURSUANT TO 11 U.S.C. § 522(f)(2)

NOW COMES \_\_\_\_\_ (“Debtor” and “Movant”) by and through Debtor’s attorney, \_\_\_\_\_, pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 to request that this Court enter an order avoiding the lien held by \_\_\_\_\_ (“Respondent”). In support of this motion, the Debtor states:

1. This Court has jurisdiction in this matter pursuant to 28 U.S.C. § 1334(a). This matter is a core proceeding as provided by 28 U.S.C. § 157(b)(2)(K).

2. The Debtor filed a voluntary petition under Chapter \_\_\_\_\_ of the Bankruptcy Code on \_\_\_\_\_.

3. The property is subject to the following liens (e.g., real estate taxes, mortgages, judicial liens and security interests):

- a. \_\_\_\_\_ obtained by \_\_\_\_\_ on \_\_\_\_\_;
- b. \_\_\_\_\_ obtained by \_\_\_\_\_ on \_\_\_\_\_;
- c. \_\_\_\_\_ obtained by \_\_\_\_\_ on \_\_\_\_\_.

4. The Debtor is entitled to an exemption in the property in the amount of \$\_\_\_\_\_ pursuant to \_\_\_\_\_ (e.g., N.H. RSA 480:1, N.H. RSA 511:2(III)).

5. The Debtor’s property has a fair market value of \$\_\_\_\_\_.

6. Section 522(f)(2)(A) of the Bankruptcy Code provides that “a lien shall be considered to impair an exemption to the extent that the sum of: (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor’s interest in the property would have in the absence of any liens.” Section 522(f)(2)(B) provides that “[i]n the case of a property subject to more than 1 lien, a lien that has been avoided shall not be considered in making the calculation under subparagraph (A) with respect to other liens.”

7. Following the formula set forth in section 522(f)(2) for determining whether a lien impairs an exemption, the Debtor:

- a. Adds the lien being tested for avoidance (L1), all other liens (L2 + L3 + L4 . . .) and the maximum exemption allowable in the absence of liens (E) to get a sum of (L1 + L2 + L3 + L4 . . . + E).

- b. From the sum above,  $(L1 + L2 + L3 + L4 \dots + E)$ , subtracts the value of the property in the absence of liens  $(V)$  and finds that the extent of the impairment is  $(I)$  ( $I = L1 + L2 + L3 + L4 \dots + E - V$ ).

8. Since the extent of the impairment of the exemption,  $\$(I)$ , exceeds the entire value of the Respondent's lien,  $\$(L1)$ , the entire lien is avoidable. **Or** Since the extent of impairment,  $\$(I)$ , is less than the entire value of the lien,  $\$(L1)$ , the Respondent's lien can be avoided only to the extent of the impairment of the exemption,  $\$(I)$ , and the rest remains as a lien in the amount of  $\$(L1-I)$ .

WHEREFORE, the Debtor respectfully requests that this Court enter an order which:

- A. Avoids the lien held by \_\_\_\_\_.  
B. Grants such other relief as is fair and equitable.

Respectfully submitted,  
Debtor

Dated: \_\_\_\_\_

By: \_\_\_\_\_

**DISCOVERY BY DEBTOR TO MOVANT**

- Interrogatory 1:* Name all witnesses you intend to call at the hearing. Designate which are expert witnesses. Provide a brief statement of the substance of the testimony of the witnesses. Provide a copy of any written expression of opinion as to value of any property for which the stay is sought to be lifted.
- Interrogatory 2:* State the total amount claimed by the creditor to be owed by the debtor, including a breakdown of principal, interest, other charges and the per diem interest.
- Interrogatory 3:* State the security interest claimed by the creditor in the subject property.
- Interrogatory 4:* State the value of the collateral for which this stay is sought to be lifted. State the grounds on which this evaluation is based.
- Interrogatory 5:* State all reasons why movant believes that its interest in the collateral is not adequately protected.

**DISCOVERY BY MOVANT TO DEBTOR**

*Interrogatory 1:* Name all witnesses you intend to call at the hearing. Designate which are expert witnesses. Provide a brief statement of the substance of the testimony of the witness. Provide a copy of any written expression of opinion as to value of any property for which the stay is sought to be lifted.

*Interrogatory 2:* State the amount of equity, if any, in the subject property.

*Interrogatory 3:* State all reasons why this property is necessary for an effective reorganization.

*Request for Admissions:* Debtor admits to the truth of the following matters of fact:

*Request for Admission 1:* A true and correct copy of that certain promissory note (hereinafter referred to as the “\_\_\_\_ Note”), dated \_\_\_\_\_, in the original principal amount of \_\_\_\_\_ Dollars (\$\_\_\_\_), made by debtor and payable to the order of movant, is attached hereto as Exhibit A.

*Request for Admission 2:* The signature of debtor which appears on the \_\_\_\_\_ Note is genuine.

*Request for Admission 3:* On or about \_\_\_\_\_, debtor signed the \_\_\_\_\_ Note to movant.

*Request for Admission 4:* On or about \_\_\_\_\_, debtor delivered the \_\_\_\_\_ Note to movant.

*Request for Admission 5:* The \_\_\_\_\_ (title of security document), a true and correct copy of which is attached hereto as Exhibit B, was executed by the debtor on the date indicated.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE

In re:

Bk. No. \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Chapter 11

\_\_\_\_\_  
Debtor

ORDER CONFIRMING DEBTOR'S PLAN OF REORGANIZATION

Pursuant to the final plan and disclosure statement (Court Doc. Nos. \_\_\_\_ and \_\_\_\_ ) filed by \_\_\_\_\_; and after notice having been transmitted to all creditors, equity security holders, parties in interest and other persons entitled to notice in accordance with Bankruptcy Rules 2002 and 3017; and after having reviewed the plan, the showing made by parties who attended the confirmation hearing on \_\_\_\_\_, and the Court having dictated (if applicable) any special findings and conclusions into the record at the close of the hearing,

IT IS HEREBY ORDERED, ADJUDGED and DECREED as follows:

1. The plan, which is incorporated herein by reference, complies with the applicable provisions of the Bankruptcy Code, 11 U.S.C. § 101 - § 1330. See 11 U.S.C. § 1129(a)(1).

2. The proponent of the plan complies with the applicable provisions of section 1129. See 11 U.S.C. § 1129(a)(2).

3. The plan has been proposed in good faith and not by any means forbidden by law. See 11 U.S.C. § 1129(a)(3).

4. Any payment made or promised by the debtor or by any person issuing securities or acquiring property under the plan, for services or costs and expenses in the case or in connection with the case, or in connection with the plan and incident to this case, has been approved by, or is subject to the approval of, the Court as reasonable. See 11 U.S.C. § 1129(a)(4).

5. The debtor has disclosed the identity and affiliations of any individual proposed to serve after confirmation of the plan, as a director, officer, or voting trustee of the reorganized debtor, an affiliate of the debtor participating in a joint plan with the debtor, or a successor to the debtor under the plan and the identity of any insider that will be employed or retained by the reorganized debtor, and the nature of compensation for such insider. See 11 U.S.C. § 1129(a)(5).

6. Any governmental regulatory commission with jurisdiction after confirmation of the plan, over the rates of the debtor (if applicable) has approved any rate change provided for in the plan, or such rate change is expressly conditioned on such approval. See 11 U.S.C. § 1129(a)(6).

7. With respect to each impaired class of claims or interest of such class, being class or classes \_\_\_\_\_, each holder of a claim or interest of such class has accepted the plan or will receive or retain under the plan on account of such claim or interest property of a value, as of the Effective Date of the plan, that is not less than the amount that such holder would so receive or retain if the debtor were liquidated under Chapter 7. If section 1111(b)(2) applies, such class will receive or retain under the plan, property of a value, as of the Effective Date of the plan, not less than the value of such holder's interest in the estate's interest in the property securing claim. See 11 U.S.C. § 1129(a)(7).

8. The Certificate of Vote attached as Exhibit A hereto discloses those classes that have accepted the plan, those classes that have rejected the plan, those classes that are not impaired under the plan, and those classes which have rejected but are being treated (if applicable) by plan treatment permitted under sections 1129(b)(1) and (b)(2) of the Bankruptcy Code. See 11 U.S.C. § 1129(a)(8).

9. Except to the extent that the holder of a particular claim has agreed to a different treatment of such claim, the plan provides that, with respect to a claim of a kind specified in section 507(a)(1) or 507(a)(2) of the Bankruptcy Code, being class or classes \_\_\_\_\_, on the Effective Date of the plan, the holder of such claim will receive on account of such claim cash equal to the allowed amount of such claim. See 11 U.S.C. § 1129(a)(9)(A).

10. With respect to a class of claims of a kind specified in section 507(a)(3), being class or classes \_\_\_\_\_, 507(a)(4), 507(a)(5), 507(a)(6) and 507(a)(7) of the Bankruptcy Code, each holder of a claim of such class will receive, if such class has accepted the plan, deferred cash payments of a value, as of the Effective Date of the plan, equal to the allowed amount of such claim. Or, if such class has not accepted the plan, cash on the Effective Date of the plan equal to the allowed amount of such claim. See 11 U.S.C. § 1129(a)(9)(B).

11. With respect to a claim of a kind specified in section 507(a)(8) of the Bankruptcy Code, being class or classes \_\_\_\_\_, the holder of such claim will receive on account of such claim deferred cash payments, over a period not exceeding six years after the date of assessment of such claim, of a value, as of the Effective Date of the plan, equal to the allowed amount of such claim. See 11 U.S.C. § 1129(a)(9)(C).

12. If a class of claims is impaired under the plan, at least one class of claims that is impaired under the plan, being class or classes \_\_\_\_\_, has accepted the plan, determined without including any acceptance of the plan by an insider. See 11 U.S.C. § 1129(a)(10).

13. Confirmation of this plan is not likely to be followed by liquidation, or the need for further financial reorganization, of this debtor or any successor to the debtor under the plan, unless such liquidation or reorganization is proposed in the plan. See 11 U.S.C. § 1129(a)(11).

14. All fees due and all quarterly fees payable to the United States Trustee have been paid as of the confirmation date.

15. The plan provides (if applicable) for the continuation after its effective date of payment of any retiree benefits, as that term is defined in section 1114 of the Bankruptcy Code, at the level established pursuant to section 1114(e)(1)(B) or (g) of the Bankruptcy Code, at any time prior to confirmation of the plan, for the duration of the period the debtor has obligated itself to provide such benefits. See 11 U.S.C. § 1129(a)(13).

16. The plan is hereby determined to be fair and equitable and does not discriminate unfairly with regard to any class of claims or interests that is impaired under, and has not accepted, the plan. See 11 U.S.C. § 1129(b)(1).

17. The plan is fair and equitable with respect to any rejecting class of secured claims (if applicable) and the plan provides that holders of such claims retain the liens securing such claims, whether the property subject to such liens is retained by the debtor or transferred to another entity, to the extent of the allowed amount of such claims, and that each holder of a claim of such class will receive on account of such claim deferred cash payments totaling at least the allowed amount of such claim, of a value, as of the Effective Date of the plan, of at least the value of such holder's interest in the estate's interest in such property. See 11 U.S.C. § 1129(b)(2)(A)(i).

18. Special provisions **(insert special provisions if applicable/attach additional sheets if necessary):**

19. There are no other plans that have been proposed in this case.

20. The plan is hereby confirmed.

21. The provisions of the plan are hereby made binding upon the debtor and any creditor or equity security

holder of the debtor whether the claim or interest of such creditor or equity security holder is impaired under the plan and whether such creditor or equity security holder has accepted the plan.

22. Except as otherwise provided herein or in the plan, and effective as of the Effective Date of the plan, in accordance with section 1141(d) of the Code, the debtor is hereby discharged of and from any and all debts and claims that arose against it before the date of entry of this order, including, without limitation, any debt or claim or a kind specified in sections 502(g), 502(h) or 502(i) of the Code, whether or not (i) a proof of claim based on such debt is filed or deemed filed under section 501 of the Code, (ii) such claim is allowed under section 502 of the Bankruptcy Code, or (iii) the holder of such claim has accepted the plan.

23. Except as otherwise provided herein or in the plan, and effective as of the Effective Date of the plan, in accordance with sections 1141(b) and 1141(c) of the Code, all property of the debtor's estate and all property dealt with by the plan is hereby vested in the debtor free and clear of all claims and interest of creditors and equity security holders of the debtor.

24. Except as provided in the Plan, and subject only to the occurrence of the Effective Date of the plan, any judgment at any time obtained, to the extent that such judgment is determination of the liability of the debtor with respect to any debt or claim discharged hereunder, is hereby rendered null and void.

25. Effective as of the Effective Date of the plan, the commencement or continuation of any action, the employment of process or any act to collect, recover or offset any claim discharged or interest terminated hereunder is hereby permanently enjoined, stayed and restrained.

26. The debtor shall have the right to make objections to any claim or interest, unless prohibited by the plan, by filing with the Court and serving a copy of each such objection and a notice of hearing on such objection upon the holder of such claim or interest no later than \_\_\_\_\_.

27. Any claim for damages arising from the rejection of any executory contract or unexpired lease pursuant to the plan shall be forever barred unless a proof of claim therefor in proper form is filed with the Court within thirty (30) days after the later of the date of entry of (i) an order by the Court approving the rejection of such executory contract or unexpired lease or (ii) this order.

28. All applications or requests for compensation or the reimbursement of any expenses or costs incurred by any professionals retained with Court approval in this Chapter 11 case, or fees and expenses by any party in interest must be filed with the Court, with a copy thereof served on counsel for the debtor and the U.S. Trustee on or before \_\_\_\_\_.

29. On or before a date that is two (2) business days after the date of entry of this order, pursuant to Bankruptcy Rules 2002(f)(7) and 3020(c), the debtor shall mail to all known holders of claims and interest, notice of the entry of this order and shall serve a copy of this order upon the United States Trustee and all parties entitled to notice pursuant to the Bankruptcy Code. Service of such notice and this order shall be sufficient and complete notice of all matters addressed in this order, including all bar dates set forth herein for the filing of claims, applications and requests for payment and objections, and no further notice with regard to any such matters shall be required.

30. In accordance with the provisions of LBR 3020-1, the Court shall retain exclusive jurisdiction for the following purposes:

(a) To hear and determine objections to claims;

(b) To hear and determine any dispute arising under the plan, its implementation and execution of any



necessary documents thereunder, and any requests to amend, modify or correct the plan, provided such matters are brought before the Court prior to the point of substantial consummation;

(c) To grant extension of any deadlines set forth in this order as may be appropriate;

(d) To enforce all discharge provisions under the plan; and

(e) To consider and rule upon requests for final compensation.

The debtor shall be permitted to file a motion requesting additional retention of jurisdiction for specific matters within sixty (60) days of the date of this order. Any such further retention of jurisdiction granted by the Court shall be provided for in a supplementary order on such motion.

31. The debtor shall file an application for final decree pursuant to the provisions of Bankruptcy Rule 3022 and LBR 3020-1 within 120 days of the date of this order.

DONE and ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at Manchester, New Hampshire.

BY THE COURT:

\_\_\_\_\_  
Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE

In re:

\_\_\_\_\_,  
Debtor(s)

Bk. No. \_\_\_\_ - \_\_\_\_ - \_\_\_\_  
Chapter 11

CERTIFICATE OF VOTE

\_\_\_\_\_, the Plan Proponent(s), by and through attorney(s) \_\_\_\_\_,  
hereby certify the voting by the holders of claims in Class \_\_\_\_\_, an impaired class entitled to vote, as follows:

Number <u>Voting</u>	Percentage <u>Percentage</u>	Dollar <u>Amount</u>	Percentage <u>Percentage</u>
Accept			
Reject			
Total			

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Proponent's Name  
By its attorneys,

\_\_\_\_\_  
Firm Name, if applicable

By: \_\_\_\_\_  
Signature  
Address \_\_\_\_\_

\_\_\_\_\_  
Tel. \_\_\_\_\_  
BNH No. \_\_\_\_\_

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE

In re:

\_\_\_\_\_,  
Debtor(s)                      Bk. No. \_\_\_\_ - \_\_\_\_ - \_\_\_\_  
Chapter 11

NOTICE OF HEARING ON ADEQUACY OF AMENDED DISCLOSURE STATEMENT DATED  
\_\_\_\_\_

NOTICE IS HEREBY GIVEN that a hearing on the adequacy of the (Amended) Disclosure Statement Dated \_\_\_\_\_ (the "Disclosure Statement") will be held on \_\_\_\_\_, at \_\_\_\_ a.m./p.m. in the Bankruptcy Courtroom, 4th/7th Floor, 275 Chestnut Street, Manchester, New Hampshire.

Parties may request a copy of the Disclosure Statement, in writing, from the undersigned.

Objections to the Disclosure Statement must be filed no later than \_\_\_\_\_ at 4:30 p.m. with the Office of the Clerk, United States Bankruptcy Court, 4th Floor, 275 Chestnut Street, Manchester, New Hampshire 03101, with a copy to the undersigned.

\_\_\_\_\_  
Proponent's Name  
By its attorneys,

\_\_\_\_\_  
Firm Name, if applicable

By: \_\_\_\_\_  
Signature  
Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tel. \_\_\_\_\_  
BNH No. \_\_\_\_\_

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE

In re:

\_\_\_\_\_,                      Bk. No. \_\_\_\_ - \_\_\_\_ - \_\_\_\_  
Debtor                      Chapter 13

NOTICE OF CONFIRMATION HEARING

You are hereby notified that the above-named debtor has filed a Chapter 13 case. A copy or a summary of the debtor's plan is attached.

The hearing to confirm the attached plan shall be held on \_\_\_\_\_ in the Bankruptcy Courtroom, 7th Floor, 275 Chestnut Street, Manchester, New Hampshire.

The bar date for objections to confirmation is \_\_\_\_\_.

If you fail to object, you shall be bound by the contents of the Chapter 13 plan.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at Manchester, New Hampshire.

\_\_\_\_\_  
Attorney or Trustee Name  
Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Tel No. \_\_\_\_\_

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE

In re:

Debtors

Bk. No.  
Chapter 13

CHAPTER 13 PLAN DATED \_\_\_\_\_

This is a \_\_\_\_\_ month plan.

If this plan is in excess of 36 months, the reason therefor is as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Debtors: (H) \_\_\_\_\_ SS # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
(W) \_\_\_\_\_ SS # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Plan Payment: Debtor(s) to pay to trustee monthly: \$ \_\_\_\_\_  
Number of months: \_\_\_\_\_  
Total paid into plan \$ \_\_\_\_\_

I. ADMINISTRATIVE:

Trustee's fee pursuant to 11 U.S.C. § 1302 and debtor's attorneys' fees.

A. Trustee's maximum 10% fee: \$ \_\_\_\_\_  
B. Attorney's fee requested to be paid through the plan: \$ \_\_\_\_\_  
C. Other: \$ \_\_\_\_\_

II. PRIORITY CREDITORS:

<u>Creditor</u>	<u>Total Claim</u>	<u>Monthly Plan Payment</u>
-----------------	------------------------	---------------------------------

III. CREDITORS SECURED BY PRIMARY RESIDENCE:

Regular mortgage payments and arrearage to be paid as follows:

- ( ) outside plan – mortgage is current and payable directly by debtor.
- ( ) the debtor's estimate of the fair market value of such primary residence is \$\_\_\_\_\_.
- ( ) the mortgage is not current and the arrearage only is to be paid through the plan as follows:

	<u>Regular Payment</u>	<u>Arrearage</u>	<u>Total Monthly Plan Payment</u>
1st	\$_____	\$_____	\$_____
2nd	\$_____	\$_____	\$_____
3rd	\$_____	\$_____	\$_____

IV. SECURED CREDITOR (OTHER) :

- ( ) outside plan: current regular payment to be made by debtor.

		<u>Current Monthly Payment</u>	<u>Arrearage Payment Thru Plan</u>	<u>Total Monthly Plan Payment</u>
<u>Collateral</u>	<u>Value</u>			

V. UNSECURED CREDITORS:

Unsecured creditors' claims total \$\_\_\_\_\_. The percentage to be paid toward these claims will be determined after the bar date for filing claims has passed and will be specified in the proposed order of confirmation. Unsecured creditors will begin receiving payment on a pro rata basis with secured arrearages and priority claims. If all scheduled claims are allowed, the percentage distribution to creditors is estimated at \_\_\_\_\_%.

Total available monthly for unsecured creditors: \$\_\_\_\_\_

Monthly plan payment: \$\_\_\_\_\_

Liquidation Analysis

In the event of a liquidation under Chapter 7, I/we would claim the state/federal exemptions, based on which unsecured creditors would receive\_\_\_\_\_%.

I. REAL ESTATE (located at):\_\_\_\_\_

		Fair Mkt. <u>Value</u>	<u>Liens</u>	<u>Exemption</u>	Avail. <u>Ch. 7</u>
A.	1st				
	2nd				
	3rd				
B.	1st				
	2nd				
	3rd				
C.	1st				
	2nd				
	3rd				
D.	1st				
	2nd				
	3rd				
E.	1st				
	2nd				
	3rd				

Net Value Equity: \$\_\_\_\_\_

Basis for exemption\_\_\_\_\_.

Value determined by\_\_\_\_\_.

II. TANGIBLE ASSETS:

A. Automobile (describe year, make, model):

				Avail.
<u>Description</u>	<u>Value</u>	<u>Liens</u>	<u>Exemption</u>	<u>Ch. 7</u>

Net Value Equity: \$\_\_\_\_\_.  
 Basis for exemption\_\_\_\_\_.  
 Value determined by\_\_\_\_\_.

**B. Household Goods:**

<u>Description</u>	<u>Value</u>	<u>Exemption</u>	Avail. <u>Ch. 7</u>
--------------------	--------------	------------------	------------------------

Net Value Equity \$\_\_\_\_\_.  
 Basis for exemption\_\_\_\_\_.  
 Value determined by\_\_\_\_\_.

**III. INTANGIBLE ASSETS:**

**A. Litigation, Personal Injury Claims, etc.**  
 Please state estimated value and basis for determining same.

Avail. \$\_\_\_\_\_.

**IV. OTHER ASSETS**

	<u>Description</u>	<u>Value</u>	<u>Exemption</u>	Avail. <u>Ch. 7</u>
A.				
B.				
C.				
D.				
E.				
F.				

Net Value Equity: \$\_\_\_\_\_.  
 Basis for exemption\_\_\_\_\_.  
 Value determined by\_\_\_\_\_.

Total Available in Chapter 7      \$\_\_\_\_\_



OTHER PROVISIONS

If any of the following issues are raised please indicate here and specify the details thereof by an attachment hereto:

- (a) Co-debtor matters (11 U.S.C. § 1301)
- (b) Cramdown (11 U.S.C. § 1322(b)(5))
- (c) Executory contracts & leases
- (d) Undersecured claims
- (e) Lien avoidance (impairment of exemption or preferential lien)
- (f) Unliquidated claims
- (g) Liquidating plan — sale of property
- (h) Return of secured collateral
- (i) Other:

I/We declare under penalty of perjury that the foregoing is true and correct.

Date: \_\_\_\_\_  
Debtor

Date: \_\_\_\_\_  
Debtor

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE

In re:

\_\_\_\_\_,  
Debtor(s)

Bk. No.  
Chapter 11

ORDER ESTABLISHING DEADLINE FOR FILING CLAIMS

Pursuant to the provisions of LBR 3001-1, there having been no request timely filed seeking an alternate claims bar date, it is hereby ordered that \_\_\_\_\_ is fixed as the last day for filing proofs of claim in the above-captioned case.

It is not necessary to file a claim if the debt is listed on the schedules of the debtor as undisputed, non-contingent, liquidated and if it is scheduled for the correct amount.

Creditors whose claims are not listed or whose claims are listed as disputed, contingent or unliquidated as to the amount and who desire to participate in the case or share in any distribution must file a proof of claim.

It is the responsibility of each creditor to determine the manner in which they are listed on the schedules and to determine whether or not to file a proof of claim with the Office of the Clerk, United States Bankruptcy Court, 4th Floor, 275 Chestnut Street, Manchester, New Hampshire 03101.

DONE and ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at Manchester, New Hampshire.

\_\_\_\_\_  
Bankruptcy Judge

**UNITED STATES TRUSTEE MONTHLY REPORT FOR CHAPTER 13 DEBTORS**

Case Name: \_\_\_\_\_ Case No. \_\_\_\_\_

A. MONTHLY CASH FLOW STATEMENT for the period \_\_\_\_\_ to \_\_\_\_\_

Balance from prior account

(if first report insert opening balance) \_\_\_\_\_

Receipts:

Sales (cash only) \_\_\_\_\_

Collection of Accounts Receivable \_\_\_\_\_

Other Income \_\_\_\_\_

TOTAL RECEIPTS \_\_\_\_\_

Expenditures:

Purchase of Inventory \_\_\_\_\_

Net Payroll \_\_\_\_\_

Rent \_\_\_\_\_

Lease Payments \_\_\_\_\_

Payment to Mortgagees \_\_\_\_\_

Insurance \_\_\_\_\_

Utilities \_\_\_\_\_

Taxes (as tallied in tax statement) \_\_\_\_\_

Telephone \_\_\_\_\_

Supplies \_\_\_\_\_

Postage \_\_\_\_\_

Outside Labor \_\_\_\_\_

Other Expenses \_\_\_\_\_

(describe - use supp. sheet if necessary) \_\_\_\_\_

TOTAL EXPENDITURES \_\_\_\_\_

NET CASH FLOW \_\_\_\_\_

CASH ON HAND AND IN BANKS(TO BE CARRIED FORWARD TO NEXT REPORT) \_\_\_\_\_B. STATEMENT OF AGED ACCOUNTS PAYABLE

Amount of Postpetition Accounts Payable

or Unpaid Invoices: \_\_\_\_\_

Over 30 days

Over 60 days \_\_\_\_\_

Over 90 days \_\_\_\_\_

Signed under the pains and penalties of perjury this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature and Title

Case Name: \_\_\_\_\_ Case No. \_\_\_\_\_

C. INSURANCE EXPIRATION STATEMENT for the period \_\_\_\_\_ to \_\_\_\_\_

Policy Expiration Dates:

Workers' Compensation Insurance	_____
Liability Insurance	_____
Fire Insurance	_____
Other (describe) _____	_____

D. STATEMENT OF ACCOUNTS RECEIVABLE

Total Accounts Receivable	_____
Amount of Accounts Receivable over 45 days	_____
Amount of Accounts Receivable over 90 days	_____
Current	_____

E. TAX STATEMENT

Gross Payroll for this Period \_\_\_\_\_

Amount Withheld During Period for: \_\_\_\_\_

- |                                    |       |
|------------------------------------|-------|
| a. Employees' Federal Income Taxes | _____ |
| b. Employees' FICA Tax             | _____ |
| c. Employees' State Income Taxes   | _____ |

Taxes Deposited or Paid During This Period for: \_\_\_\_\_

- |   |       |
|---|-------|
| * a. Employees' Withheld Fed'l Income Tax | _____ |
| * b. FICA Employer's & Employees' Share   | _____ |
| c. Federal Corporate Income Tax           | _____ |
| d. FUTA                                   | _____ |
| e. Other Federal Tax (describe) _____     | _____ |
| * f. Employees' Withheld State Income Tax | _____ |
| * g. State Sales/Use of Meals Tax         | _____ |
| h. State Corporate Income Tax             | _____ |
| i. Other State Tax (describe) _____       | _____ |
| j. Property Tax                           | _____ |

\*\*TOTAL

- \* Attach photocopies of IRS Form 6123 or similar receipt from state taxing authority to verify that such deposits or payments have been made.
- \*\* Enter this figure on the appropriate line on the monthly cash flow statement.

Signed under the pains and penalties of perjury this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature and Title

## ANNEX 2 — REQUEST FOR INTERIM ALLOWANCE

**FEES:**

1. Applicant \_\_\_\_\_  
Representing \_\_\_\_\_
  2. Interim Fee Request Number \_\_\_\_\_
  3. Interim Period Involved \_\_\_\_ / \_\_\_\_ / \_\_\_\_ to \_\_\_\_ / \_\_\_\_ / \_\_\_\_
  4. Hours of Services Performed this Period \_\_\_\_\_
  5. Total Interim Fee Allowances to Date \$ \_\_\_\_\_
  6. Interim Fee Request this Period \$ \_\_\_\_\_
  7. Average Hourly Rate this Period \$ \_\_\_\_\_
  8. Any Uncredited Retainer as of this Date \$ \_\_\_\_\_
- 
- 

**EXPENSES:\***

1. Interim Expense Request Number \_\_\_\_\_
2. Total Expense Reimbursements to Date \$ \_\_\_\_\_
3. Interim Expense Request this Period \$ \_\_\_\_\_
4. Breakdown of Item No. 3 Total:
  - a. Travel Expense \$ \_\_\_\_\_
  - b. Postage \$ \_\_\_\_\_
  - c. Photocopies (max. 10¢/pg.) \$ \_\_\_\_\_
  - d. Express Mail/Messenger \$ \_\_\_\_\_
  - e. Overtime Charges \$ \_\_\_\_\_
  - f. Other Expenses (Itemize):
 

	\$	
	\$	
	\$	

\*See In re New Hampshire Electric Cooperative, 146 B.R. 890 (Bankr. D.N.H. 1992).

(8½" x 11" copies for purposes of filing with the Court are available in the Office of the Clerk of Court)

## ANNEX 1 — REQUEST FOR FINAL AWARD

**FEES:**

1. Applicant \_\_\_\_\_  
Representing \_\_\_\_\_
2. Period of Services in this Case \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ to \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_
3. Total Hours of Service in this Case \_\_\_\_\_
4. Avg. Hourly Rate per Fee Requested \$ \_\_\_\_\_
5. Total Fee Award Requested \$ \_\_\_\_\_
6. Retainer Credited Against Award \$ \_\_\_\_\_
7. Interims Credited Against Award \$ \_\_\_\_\_
8. Final Payment Requested \$ \_\_\_\_\_
9. Approximate Total Amount of Distribution to  
all Creditors to Be Made in this Case  
(i.e., administrative, secured and unsecured) \$ \_\_\_\_\_

**EXPENSES:\***

1. Total Expense Reimbursement Requested \$ \_\_\_\_\_
2. Expense Reimbursement to Date \$ \_\_\_\_\_
3. Expense Request for Final Period \$ \_\_\_\_\_
4. Breakdown of Item No. 3 Total:
  - a. Travel Expense \$ \_\_\_\_\_
  - b. Postage \$ \_\_\_\_\_
  - c. Photocopies (max. 10¢/pg.) \$ \_\_\_\_\_
  - d. Express Mail/Messenger \$ \_\_\_\_\_
  - e. Overtime Charges \$ \_\_\_\_\_
  - f. Other Expenses (Itemize):
 

	\$	
	\$	
	\$	

\*See In re New Hampshire Electric Cooperative, 146 B.R. 890 (Bankr. D.N.H. 1992).

(8½" x 11" copies for purposes of filing with the Court are available in the Office of the Clerk of Court)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE

In re:

Debtor(s)

Bk. No.  
Chapter

AFFIDAVIT OF PAYMENT OF FEES

The undersigned depose and say as follows:

All fees owing by the above-captioned debtor(s) to the United States Bankruptcy Court for the District of New Hampshire and the United States Trustee including, without limitation, unpaid installment filing fees, excess claims fees, fees for noticing the first meeting of creditors and quarterly fees payable to the United States Trustee, have been paid in full by said debtor(s).

**[Form for Individual Debtors]**

Date: \_\_\_\_\_  
\_\_\_\_\_ [Print Name]

**[Form for Partnership/Corporate Debtors]**

Date: \_\_\_\_\_  
\_\_\_\_\_ [Print Name]  
Duly Authorized

**[Form for Attorneys]**

Date: \_\_\_\_\_  
\_\_\_\_\_ [Print Name]

STATE/Commonwealth of \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_ [Name(s) of Deponent(s)].

\_\_\_\_\_  
Notary Public  
My commission expires: